





MORAL THEOLOGY
OF THE CHURCH OF ROME.

No. II.

CERTAIN POINTS IN
S. ALFONSO DE' LIGUORI'S MORAL THEOLOGY,
CONSIDERED IN NINETEEN LETTERS,
BY THE REV. H. E. MANNING,
AND THE REV. F. MEYRICK.

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ADVERTISEMENT.

THE following Letters arose out of a conversation held in London between the Rev. H. E. Manning, the Rev. F. Meyrick, and others. The Rev. F. Meyrick maintained that the teaching of S. Alfonso Liguori's Moral Theology was immoral in many respects, specifying in particular his doctrines of Theft and Equivocation. With regard to the first of these, he asserted that it would result from Liguori's teaching that the sin of a conscious thief would still be mortal or venial, according to the amount which he appropriated and the person from whom he stole—in such sense, that a man standing between a nobleman and a commoner, and having the same disposition of mind towards each, would be guilty of a mortal or venial sin, according as he stretched out his right hand, or his left, and stole a certain sum (say 4s.) from one or the other ; and he further argued that this introduction of the Quantitative Principle made the guilt of an act of Theft, *so far*, to depend upon something external, instead of upon the frame of

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mind of the agent. With respect to the last, he maintained that Liguori's theory of Equivocation was incompatible with Truthfulness. The Rev. H. E. Manning objected to both these positions, and the following morning left a volume of the *Homo Apostolicus* at the house at which the conversation had taken place, requesting the Rev. F. Meyrick to read certain chapters, and offering "to explain any difficulties that he might have, if he would write to him on the subject." In consequence of this request and proposal, the Rev. F. Meyrick wrote the first letter, which, it will be seen, refers to the points which had been under discussion.

The correspondence took place, it is believed, without any kind of ill-feeling on either side, and is now published with the assent of both parties, as a contribution towards a subject which is deservedly beginning, more and more, to draw attention towards itself—the Moral Theology of the Church of Rome.

July 26, 1855.

LETTER I.

Rev. F. MEYRICK to Rev. H. E. MANNING.

Blickling, July 15, 1853.

My dear Sir,

You were kind enough to leave the volume of Liguori, containing the passages of which we had been speaking, and to offer to explain any difficulties that I might have about them.

Would you, then, kindly tell me if the following is Liguori's theory of theft, as laid down in Tract x. cap. 2? That a certain quantity of matter is required to make theft a mortal sin—that this quantity is greater or smaller according to the state of the owner from whom the theft is made—that in the case of a beggar, a sufficient quantity is one real, of a labourer, two reals, of an artizan, three reals, &c. of a nobleman, one scudo, &c.? Might not, then, a theft of the same amount be a mortal sin if the owner were a commoner, a venial sin if the owner were a nobleman? And is not the guilt of the act made to depend upon something external, not upon the frame of mind of the agent?

Again, would you explain the assertion that a wife may support her previous children out of her husband's goods against his will, and spend something under the twentieth of his income on alms and gifts.—Tract x. 2. 33. And that a nobleman in extreme distress may steal if he is ashamed to beg.—x. 2. 15. And that a servant may compensate himself for a salary remarkably too small.—vii. 3. 10. And that a rich man's son may steal from his father three scudi, without grave sin. And that a prince's son commits only a venial sin if he steal from his father anything under fifty scudi.—x. 2. 32. And that a monk is guilty of only a venial sin if he steals any sum less than four scudi from the monastery. In what manner can these cases be reconciled with the principles of morality with which they seem to conflict?

On the subject of Amphibology and Truthfulness, I should like to have pointed out the difference between falsehood and non-pure mental reservation.—v. 2. 15. Are not the conditions of an oath such as would make it unnecessary to keep almost any oath?—v. 2. 18. Is not the same true of vows?—v. 3. Does not the easy bestowal of dispensations take away all security for the observance of pledges? Can promises be counted important?—x. 2. 127. or secrets secure?—xi. 3. 9. Does “*ex capite meo hoc erui, æquivocando, quia omnia verba e mente, pro quâ accipitur caput, procedunt,*” or “‘*mentitus sum,*’ *quia omne peccatum est fallacia et mendacium,*” mend the moral untruth? Are any one of the four answers put into the mouth of an unfaithful wife truthful? 1. *Non fregisse matrimonium.* 2. She had not committed adultery, because she had not committed idolatry. 3. *Innocens sum ab hoc crimine.* 4. *Non commisi.* Is a seducer on promise of marriage not bound to keep his promise (although the victim did not know of any disparity) because he is *longè nobilior*?—x. 3. 93.

I am, dear Sir,
Yours faithfully,
F. MEYRICK.

LETTER II.

Rev. H. E. MANNING to Rev. F. MEYRICK.

25, Chapel Street, Grosvenor Square, July 20, 1853.

My dear Sir,

As it is S. Alphonso who is on his trial, it is just that he should be allowed to speak for himself in his own words. I will therefore begin by referring to the principles which he presupposes in the chapter *De Furto*.

In the *Treatise de actibus humanis et peccatis*, (Tract iii. c. 2. 4.) he says, “*Peccatum mortale est illud quod privat hominem divinâ gratiâ quæ est anima vitæ, et ideo dicitur mortale. Veniale est quod non privat gratiâ, sed minuit caritatem, &c.*”

If this distinction be really admitted, I believe most of the supposed difficulties will disappear.

According to Catholic Theology, a soul in mortal sin is spiritually dead. Although in the mercy of God it still continues to be the subject of *actual* grace, it is deprived of *habitual*, or *sanctifying* grace; and is thereby under the power of eternal death. Mortal sin deprives the soul of the grace of charity, i. e. of the indwelling of the Holy Spirit, by which it is united with God; and the loss of this grace separates the soul from God.

A soul separated from God, if it depart this life without reconciliation, so far as we know, must be separated from God everlastingly. Therefore mortal sin incurs eternal punishment.

Venial sin, though in the order of sin it be less than mortal, yet, in the order of evils, is the greatest of which man is capable, except only mortal.

Its effects are, that it—1. diminishes the grace of charity; 2. displeases God; and 3. prepares the soul for greater sins, and incurs punishment only less than eternal.

May I ask you to tell me before we go further, whether you believe the effects of mortal sin to be such as S. Alphonso states? This seems to me to be the first and necessary step in the matter we have in hand. When I know your mind, I shall be better able to go on.

Believe me, my dear Sir, yours faithfully,
HENRY E. MANNING.

LETTER III.

REV. F. MEYRICK to REV. H. E. MANNING.

Blickling, July 22, 1853.

My dear Sir,

Thank you for yesterday's letter. I am not at all inclined to quarrel with S. Alfonso for saying that there are some sins which would deprive the soul of sanctifying grace, and some which, though displeasing to God, diminishing grace, and preparing for greater sins, yet have not so deadly effects as the first. If the sins which have the first effect are called mortal, and those which have the last are called venial, I should not care to dispute the term; but I cannot think that it follows as a consequence upon this, that all sins may be divided into, as it were, two heaps; and if you commit one belonging to this heap, that it is mortal; to that, that it is venial. On the contrary, I should conceive that two acts, identically the same in their external features, would be either one or the other, according to the disposition of mind in which they are done.

I was not aware that venial sins were considered "to incur punishment only less than eternal." In that case (if it includes the punishment of Purgatory,) I wonder that they are not considered necessary matter for the "Sacrament of Penance." In using the words, "order of evils," as distinct from sin, I presume you mean material evils.

I do not yet quite see how you propose to apply your remarks to the Theory of Theft.

I am, dear Sir, yours faithfully,
F. MEYRICK.

LETTER IV.

REV. H. E. MANNING to REV. F. MEYRICK.

25, Chapel St. Feast of S. James, 1853.

My dear Sir,

I have to thank you for your note, which I received on my return to London to-day.

The reason why I wished to ascertain our agreement as to the nature and effects of mortal and venial sin was, because it would remove the possibility of supposing that when S. Alphonso says that a monk who steals four scudi from a monastery commits a venial sin, he intends to say that he commits a trifling sin.

Such a sin, though venial, offends God, diminishes grace, prepares the soul for greater sin, and incurs temporal punishment. It is, therefore, in the eye of the Church very grave, though it fall short of being mortal.

I believe if this were borne in mind we should have fewer difficulties as to the Moral Theology of the Catholic Church.

Every sin, therefore, how light soever it may appear to be, incurs, according to Catholic doctrine, the consequences above-stated.

So that, in my belief, the Catholic Church judges even a venial sin to be more grave than opponents of her Theology judge many a mortal sin.

We may now go on to the other principles presupposed by S. Alphonso in his chapter on Theft.

In the same Treatise, (iii. ch. 2.) he lays down the following conditions.

“Pro certo habendum, ut dictum est num: 2. peccatum, ut sit imputabile, debere esse voluntarium, et ut *Voluntarium* sit peccatum mortale debet esse *pleno consensu* patratum. Itaque 1. requiritur plena et perfecta *advertentia*, ad malitiam objecti, &c.”

This is the principle which runs throughout his whole Theology, both in this and in his larger work. Indeed there is not a moral Theologian, so far as I know, who has ever spoken otherwise, except those who, holding a more strict judgment, taught that a virtual “*advertentia*” is sufficient.—Sect. 25.

You will see, therefore, that the criterion by which the diversity among sins is determined, is strictly the interior frame of mind in the agent.

And this will be the more evident by examining the condi-

tions under which mortal sins may become venial, or venial sins may become mortal, namely, the absence or presence of a malicious intention, or "*advertentia ad malitiam objecti*." But this we may examine, if need be, hereafter.—(Treatise iii. c. 2. p. iv. 67. 68.)

S. Alphonso goes on to examine the matter more fully in all the sections which relate to invincible ignorance, not one of which is intelligible except on his own principles, namely, that the internal and voluntary state of the agent is the criterion of sinfulness in the act. The sum of all he gives in these words: "*Tria requiruntur ad peccatum mortale, gravitas materiæ, plena advertentia intellectus, et perfectus consensus voluntatis, &c.*"—s. 67.

It may be asked, then, why he gives a sliding-scale of ducats and scudi for rich and poor, &c. Certainly not to make the quantity of the theft the sole criterion of the sinfulness of the agent.

But most plainly because the *amount* of the theft, in relation to the person wronged, is one chief point in determining the amount of malitia in the thief.

Therefore he goes on to say, (Sect. 67.) "*Et 1, quoad materiam, ejus gravitas consideranda est non solum in se, sed etiam ex circumstantiis, ex toto, et ex fine intento.*"

In his Treatise on Theft, he applies these principles as follows:—

In the first Section, (Tract x. c. 2. p. 5.) he defines theft to be, "*Occulta et injusta rei alienæ ablatio, invito rationalibiter domino.*"

Under all circumstances, and in every form, theft is a sin differing only in this, that it either deprives, or does not deprive, the soul of grace and spiritual life; either incurs, or does not incur, the death of the soul.

In the second Section he goes on to consider the "*quantitas furti*," and "*gravitas materiæ*." And he at once says two things which are sufficient to render impossible the idea that he measures mortal and venial thefts by an arbitrary external test.

First, he says, that to steal a tailor's needle may be a grave matter, because of the wrong done to our neighbour, and, therefore, because of the "*malice*" of the agent.

I do not transcribe the words as you have them. Punct. xi. sect. 22. *Ad judicium*, down to "*omissionem*."

The other is, that when he begins to speak of the "*diversas dominorum qualitates*," he avowedly says that all such judgments depend "*a sapientum æstimatione*," and that "*opiniones communiores*," are "*intrinsecè probabiliore*s."

It is obvious that in this he is only suggesting the way in

which the amount of wrong done, and the amount, therefore, of malice in the doer, may be estimated. And you are at liberty to adopt, or not, his suggestions as to what is grave, or what is not grave, in the matter of theft. The liberty which he leaves to us we need not deny to him. In his judgment of the state of people among whom he lived, such hints as he gives seemed to him to be an approximation to a just estimate.

But I have already made this letter longer than I intended. I should be glad to know any point in it which you may desire to discuss further before we go on.

Believe me, my dear Sir,
Yours faithfully,
HENRY E. MANNING.

LETTER V.

Rev. F. MEYRICK to Rev. H. E. MANNING.

Monteviot, Aug. 24, 1853.

My dear Sir,

I am sorry to have delayed writing so long, but till yesterday I was unable to open my books since my last note.

If I do not mistake, your letter contains and enlarges on three propositions. 1. That venial sins are not trifling sins because classed as venial. 2. That *gravitas materiæ* has nothing to do with making a sin mortal, but is only a circumstance from which you can judge whether the frame of mind of the agent was such, that he sinned mortally. 3. That the *quantitas furti*, in like manner, is not one of the conditions of a theft being mortal, but a sign by which we may judge of the malice of the agent, which malice is the cause of the theft being mortal.

1. I am afraid that I scarcely follow your argument when you say, that it follows that venial sins cannot be confounded with trifling sins, *because* they diminish grace, &c. *All* sins, it appears to me, have, according to S. Alphonso's teaching, those effects. No sins, therefore, can be trifling *things*; but *of* sins I presume that some might be trifling *relatively to others*, though not trifles in themselves. One of the evils of dividing all sins into mortal and venial, appears to me to be the likelihood that men will put all mortal sins on one level, all venial sins on another level. In case they do this, the latter are pretty sure to be considered lightly of, inasmuch as they include some sins which, relatively, *are* light. Liguori, too, speaks of venial sins as "*quod ob suam levitatem gratiam et amicitiam non tollit, &c.*" And asserts that they "do not diminish God's love towards us,

but only ours towards God." At any rate, sins classed as mortal must be far graver than those classed as venial; and, consequently, a servant's theft from his master, or a monk's from his monastery (within the bounds,) must be far less a sin than, say, omitting to hear Mass on Sunday.

I should have been inclined, therefore, to think that while no sin is a trifle, yet that the division into mortal and venial sins did naturally and legitimately lead people to consider the latter as *relatively* trifling, and on the same level with one another as trifling, the more inasmuch as they have not to be confessed.

2. If I have rightly stated your opinion on this point, I agree with it; but I cannot find it in Liguori. On the contrary, I find there distinctly stated that there are *three* things necessary for mortal sin: advertentia—consensus—gravitas. I do not find that two things, advertentia and consensus, are necessary and sufficient, and that there is another thing, gravitas, by which a third person may judge whether the two first existed in the agent. When three conditions are given, "*quorum si unum desit*," the thing does not exist; it appears to me vain to say that one of these three is not a condition, but only a sign, whereby we may know the existence of the two first. *Ob aliquem horum defectum, mortale fieri potest veniale.*

But I do not understand the meaning which you assign to the words *advertentia ad malitiam objecti*. You seem to translate them by "a malicious intention;" and I observe that, in one place, you put a comma after the word *advertentia*. Now *malitia objecti* can, I presume, have nothing directly to do with the *malice of the subject*; but the phrase, *perfecta advertentia malitiæ*, or, *ad malitiam*, must mean a perfect recognition of the badness of the thing. That this may be connected with malice in the agent, I admit; that it is the same thing, I cannot hold. On the contrary, it appears to me that this doctrine of *perfect* advertence leads, when pressed, to most fearful consequences, as shown by Pascal in his 4th Provincial Letter. It seems directly to lead to the consequence, that if a man has but destroyed his sense of right and wrong, he cannot do wrong, i. e. by a confusion of *ignorance of right* with *ignorance of fact*, to teach that if a man is thoroughly *ἀκόλαστος*, he cannot be guilty of mortal sin,—while the second condition, *perfectus consensus voluntatis*, teaches, that if a man is only *ἀκρατής*, he cannot be guilty of mortal sin,—then who can be?

This, however, is by the way. What I want to make out is, that even though *advertentia ad malitiam objecti* did mean malicious intention, still that two men, in identically the same state of mind, with the same advertence and the same consent, would, according to S. Alphonso's teaching, be guilty, the one

of a venial sin, the other of a mortal sin, according as the quantity of the thing which they had stolen (if it was a matter of theft) were more or less. In this case, "the diversity among sins" cannot be said to be "determined strictly by the interior frame of mind of the agent." You say that the truth of this last statement will become the more evident by examining the conditions under which mortal sins may become venial, or venial sins may become mortal; namely, the absence or presence of a malicious intention, or, "*advertentia ad malitiam objecti*." Putting aside the question of the meaning of these words, it is clear that the whole force of the argument here rests in the absence or presence of a malicious intention being the *sole* condition of mortal sin becoming venial, and venial mortal; but there are others, and among these is *Ex parte materiæ, si hæc sit parvi momenti*.

3. I cannot agree with the definition of Theft. *Rationabiliter* is a word which appears to me to have no place there. In whose judgment is the possessor to be reasonably unwilling for his goods to be taken away? his own? or the taker's? (I must not say thief's,) or the director's? Nor can I agree with the Communist doctrines laid down in cap. 1. and pushed out so hardily to the justification of stealing or taking. But what we have at present to do with is, the *quantitas furti*.

You say that he has not "given his sliding-scale of ducats and scudi to make the quantity of the theft the *sole* criterion of the sinfulness of the agent." No; but that does not seem to me to meet the point.

He does teach that a certain frame of mind, *advertentia* and *consensus*, the one *plena*, the other *perfectus*, are necessary for mortal sin. That I perfectly allow; but he adds, that these are not enough—that the sin is not yet mortal without a certain *quantitas*. Consequently, the mortality or veniality of the sin does depend upon the *6d.* more or less; *plena advertentia*, *perfectus consensus* and *2s. 6d.* being a mortal sin; *plena advertentia*, *perfectus consensus* and *2s.* being venial.

You give two reasons whereby you say that it is disproved that S. Alphonso makes the quantity the measure of the sin; or, as I would correct it, *in part* the measure of the sin. These are, the tailor's needle, and the appeal to the judgment of the wise. I cannot see the connection between these and the inferences you draw from them. Doubtless the first proves that he considered the quantity necessary for a mortal sin legitimately altered according to the condition in life of the sufferer; but this never was denied. And the second seems to me to mean nothing but that different Doctors differ in their tariffs; and, therefore, to get at a right tariff, their judgments

must be compared, which, accordingly, he proceeds to do. I do not see anything about "the malice of the agent;" "the amount of malice in the doer estimated by the amount of wrong done." The essence of the sin, or, at any rate, one ingredient in the essence of the sin is, as he says, "the quantity of harm done to our neighbour."

It seems, then, undeniable that S. Alphonso says, that if a man steal 5s. (say) with full advertence and perfect consent, from a nobleman, he has committed a venial sin; from a commoner, he has committed a mortal sin. You say that the amount has shown that he was acting maliciously in one case, and not in the other. This S. Alphonso does not say, so far as I can see, nor can I see how it *does* prove it.

Again S. Alphonso says, that if a man steal 5s. (say) with full advertence and perfect consent, from a nobleman, he has committed a venial sin; if 5s. 6d. a mortal sin. Yet you say that the amount is no criterion of the sinfulness of the agent. Then what is? for this is the sole difference in the two cases.

I am afraid that we may perhaps not agree on all the points here discussed, but I hope, nevertheless, that you will go on to the other points mentioned in my first letter.

I am, my dear Sir,
Yours faithfully,
F. MEYRICK.

LETTER VI.

Rev. H. E. MANNING to Rev. F. MEYRICK.

Errwood Hall, Buxton, Sept. 8, 1853.

My dear Sir,

Your letter of August 24th, reached me on Friday last. Since then, until to-day, I have had no time to write.

My direction until the 20th of this month, will be Kingstown, Dublin; after that for a week, Carstairs House, Lanark.

Many thanks for your note which came yesterday, and prevented my sending this letter to Scotland.

Our last two letters lead me to hope that we are nearer to an understanding.

Towards the end of your letter you say, St. Alphonsus "does teach, that a certain frame of mind 'advertentia' and 'consensus,' the one plena, the other, perfectus, are necessary for mortal sin. That I perfectly allow; but he adds, that these are not enough; that the sin is not yet mortal without a certain 'quantitas,' consequently the mortality, or veniality of the sin does

depend upon the 6*d.* more or less ; plena advertentia, perfectus consensus, and 2*s.* 6*d.* being a mortal sin ; plena advertentia, perfectus consensus, and 2*s.* being venial."
 "Again, St. Alphonso says that if a man steals 5*s.* (say) with full advertence and perfect consent, from a nobleman, he has committed a venial sin, if 5*s.* 6*d.* a mortal sin. Yet you say that the quantity of the theft is not made the criterion of the sin. Then what is ? For this is the sole difference of the two cases."

From these two pasages I fear you have hardly had time to study the treatises to which I referred you, and I believe that if you will sufficiently examine the meaning of the words which, in your last letter, you translate "the badness of the thing," you will answer your own case ; and perceive the difficulty to be of your own making.

In Tract iii. c. i. s. 19. St. Alphonsus says, "Quæritur 1. Unde *actus humani* desumant suam bonitatem et malitiam ? Respondemus (quicquid dicant alii) quoad *materiale*, desumunt ab *objectis*, et ab eorum *circumstantiis*. Quoad *formale*, sive quoad *moralem* bonitatem et malitiam, a *virtutibus* quibus conformantur, aut adversantur."

Again, Punct. iv. s. 67. "Quoad materiam, ejus *gravitas* consideranda est non solum in se, sed etiam ex *circumstantiis*, ex toto, et ex fine intento."

You are aware that in this shorter work, St. Alphonsus takes for granted that they who use it have already studied Moral Theology, and are familiar with all that is implied in the terms. He pre-supposes especially a knowledge of his own larger work on Moral Theology.

In the full treatise, de actibus humanis, which you will there find (Lib. v. sect. ii. 36.) he says, "Theologi vocant principia moralitatis ea ex quibus fit, ut aliqua actio sit bona, vel mala, vel indifferens. Tria reconsentur hujus modi principia, *objectum*, *finis*, *circumstantiæ*."

"Objectum a quo actus accipit essentialem et primariam malitiam est illud circa quod versatur actus moralis ; et primo et per se attingitur ab ipso actu : sic res aliena est objectum furti. . . . Deus est objectum omnis actûs. Tale objectum non consideratur physicè."

"XXXVIII. Alterum principium moralitatis est finis, non intrinsecus operis, quod coincidit cum objecto, sed extrinsecus operantis, qui quatenus conveniat vel disconveniat cum regulis morum, dicitur bonus, vel malus moraliter."

"XXXIX. Tertium moralitatis principium sunt circumstantiæ quæ dare solent actui aliam bonitatem vel malitiam accidentalem."

Among "circumstances" he places Personæ, as one, "quæ sæpe addit novam speciem malitiæ."

From this you will see,

1. That "gravitas" does not mean only "quantitas furti," as you seem throughout to assume: but as St. Alphonsus expressly says, the gravitas of a sin is to be considered and estimated, "non solum in se, sed etiam ex circumstantiis, ex toto, et ex fine intento."—Sect. 67.

2. That the objectum peccati is twofold, *material* and *moral*. That in theft, the material object is "res aliena," the moral object the law of God.

3. That sin being "Dictum, factum, vel concupitum contra legem æternam," "in hoc consistit tota formalis malitia peccati," namely, in the offence against the Divine law. Sect. xxii. which explains what he says in Sec. xix. already quoted, namely, that the formal or moral malitia of sin arises from its repugnance to the virtues to which it is opposed.

4. That consequently the "malitia objecti," signifies the whole complex, both material and formal, including the violation of the Divine law.

Let us apply this to the cases of theft as you put them.

1. The *gravitas materiæ* signifies not only the *quantity* of money, but the extent to which the Divine laws of justice and charity have been violated.

2. In order to estimate this, St. Alphonsus says, you cannot consider the matter only, but must include circumstances, the whole of the action, and the end intended.

Therefore it is simply in contradiction to his express teaching to say, that he takes *quantity* alone as the test of mortal and venial sin.

You seem to have misled yourself throughout by supposing "gravitas" and "quantitas" to be convertible terms. And by not distinguishing between the "material" and "formal" object.

Unless therefore the *6d.* more or less, in your supposed case, added "novam speciem malitiæ," the two acts, with the same advertentia and consensus would, according to St. Alphonsus, be morally equal.

For instance:

1. To steal 2*s.* from one person, and 2*s.* 6*d.* from another, the advertentia, consensus, circumstances, and whole action being the same, or the difference inappreciable, the guilt of the two thefts, according to St. Alphonsus, would be inappreciable.

But to steal 2*s.* from a rich man might be venial, while to steal 2*s.* 6*d.* from a poor man might be mortal, not because of the *6d.* more or less, but because of the difference of the outrage done to the Divine laws of justice and charity; and of

the new species of malice, added by the circumstances, the person, and the whole complex of the moral act, in quo "consistit tota formalis malitia peccati."

And this difference in the moral act and object renders the supposition of the sameness of the state of mind in the agent a case morally impossible.

This letter is sufficiently long, and I will send what remains by another post. I would ask you to oblige me by sending any remarks you wish to make on these points separately, as it seems to me that we have been embarrassed by some irrelevant matter.

I have already, I believe, twice expressed my willingness to examine all the points you wish; and I meant what I said. All I ask is, that we may do it as the subject demands; otherwise it would but waste your time and mine, and do worse than no good.

Believe me, my dear Sir,
Yours faithfully,
H. E. MANNING.

LETTER VII.

Rev. F. MEYRICK to Rev. H. E. MANNING.

Trinity College, Oxford, Sept. 15, 1853.

My dear Sir,

I have to thank you for two letters which have reached me here, and to which I will reply, as you ask me, separately.

The questions in the letter of Sept. 8th, seem to be these:—
1. What is *malitia objecti*? 2. What is *gravitas materiæ*? 3. What is *quantitas furti*? You say that I have misunderstood them.

Before entering on this examination, I would urge that the first should be kept apart from the others. Whatever *malitia objecti* does mean, whether "malicious intention," as you said in your previous letter, or "badness of the thing," as I translated it, or "the whole complex, both material and formal, including the violation of the Divine Law," as you say in this letter, the question is a totally distinct one from "What is *gravitas materiæ*?" I say this because you appear to me to have laid down premises with regard to *malitia objecti*, and drawn conclusions with regard to *gravitas materiæ* and *quantitas furti*. *Advertentia ad malitiam objecti* is condition 1, *Gravitas materiæ* is con-

dition 3 of the mortality of sins. Unless the third can be resolved into the first, as you attempted in your previous letter, the question of the meaning of condition 1 is, as I said, a bye-question with regard to the matter in hand, which is an objection, not to condition 1, but to condition 3.

1. What is *objectum*? S. Alfonso answers: "That about which the act is." He gives instances: "The property of others" is the *object* of "theft." "God" is the *object* of "love." You have written here, "*Deus est objectum omnis actûs.*" This is to me wholly unintelligible. If "God" is the *object* of "theft," then truly *object* is used in a sense to me perfectly novel; but on looking both in the *Theologia Moralis* and the *Homo Apostolicus*, I find, not "*omnis actûs,*" but "*actûs amoris.*" You have no doubt, therefore, made an error in transcribing the passage. This is a thing, of course, most easily and naturally done; but, at the same time, with the passage itself the argument founded upon it must fall—which appears to be that God's Law is the *moral object* of all acts; and hence its violation the *formal object*—not cause, but object—of all bad acts.

I have read the *Treatise on Human Actions* carefully, and find it laid down that human actions are moral so far as they are in accordance with right reason in their *object*, in their *end*, and in their *circumstances*; that the most important of these is the *object*—that this object is that about which the moral act is—that as the object is good or bad, so the act is essentially good or bad—that the object may be good, bad, or indifferent—that it is good if in accordance with right reason, bad if the contrary, indifferent if neither in accordance nor in disagreement. That this is unphilosophically expressed, is acknowledged in the next paragraph, but it is clear what it means—viz. that a *malum objectum* is a "thing" about which an act is, which "thing," being in itself not in accordance with right reason, gives the character of *malitia* also to the act.

How, then, was my translation of *malitia objecti*—"the badness of the thing"—wrong? It does not differ materially from that which I have now worked out from S. Alfonso—viz. "the non-accordance with right reason (*malitia*) of the thing about which the act is (*objecti*)." It is certainly nearer to it than either "the malice of the agent," or "the whole complex, both material and formal, including the violation of the Divine command." On this point, then, I would conclude that whatever argument you rested in your previous letter on "*advertentia ad malitiam objecti*," meaning "the malice of the agent," must fall to the ground. In this letter of Sept. 8th, on comparing your quotation from Tr. iii. 1. 19. *Unde actus*, &c. with the assertion that the *objectum peccati* is twofold, material and

moral, and “in hoc consistit *tota formalis malitia peccati*,” it appears to me that you make “*malitia objecti*,” “*malitia humani actûs*,” and “*malitia peccati*,” all the same thing. Now, inasmuch as the *malitia objecti* is the main cause of *malitia humani actûs*, which *actus* thereby becomes *peccatum*, it would not be worth noticing this, were it not that I think the division into *material* and *moral*, *material* and *formal* belongs more rightfully, in the sense in which you use it, to the goodness and badness of the act, than to the mere object. “Form” always meaning “that which makes a thing to be what it is,” the *formal badness of an act, or of sin*, would doubtless consist in “its offence against the Divine Laws,” or “its repugnance to the virtues to which it is opposed;” but a *formal OBJECT* can only be that which makes an object to be the object of the act of which it is the object. And so S. Alfonso uses the word—e. g. “The material object of Faith, i. e. that thing which we are bound to believe, is God: the formal object of Faith, i. e. the motive, on account of which we are bound to believe what is revealed, is God’s veracity.”—iii. 4. Again, in the case of Hope, “The material object, i. e. that thing which we ought to hope for, is eternal happiness . . . the formal object, i. e. the motive on account of which we are bound to hope, is either God’s mercy, omnipotence, promise, or goodness.”—iii. 21. And Charity, “The material object of Charity is primarily God . . . the formal object, God, so far as He is infinite Goodness, as He is the aggregation of all perfections, or infinite perfection.”—iii. 24. The formal object, then, is that which makes the material object to be the object of the act. It has nothing whatever to do with goodness, or with badness—with the Law of God, or with the violation of His Law. I cannot, therefore, think that I have “misled myself by not distinguishing between the material and formal object,” as though the latter had to do with an observance or violation of God’s Law, which we see that it has not. On the contrary, you must excuse me for thinking that you have confounded *formale objectum* with *formalis malitia peccati*.

2. You say that I have confused *gravitas materiæ* with *quantitas furti*. What, then, is *gravitas materiæ*? Perhaps the best way of discovering will be, to examine the other passages in which S. Alfonso uses the phrase, or its correlative, *parvitas materiæ*. The very fact of *parvitas* being the word contrary to *gravitas*, points to what it means.

“Is *parvitas materiæ* allowed in the transgression of a promissory oath, so that a man who promises to give *some little thing*, if he really has the intention of giving when he swears, and afterwards does not give, only commits a light sin? A very

probable opinion says No. . . . A no less probable, nay, perhaps a more probable one, says Yes. . . . It is certain that if you only do not keep *some little* of that which you have sworn, it is not grave; e. g. if you have sworn not to drink wine, you do not commit a mortal sin by drinking *a little*, because then *parvitas materiæ* is an excuse. . . . You may say the same of a man who only takes away *a little* from the sum which he has sworn to give to another.”—iv. 174. Here, then, the *materia* is grave or small, according as the *quantity* is greater or less.

In the matter of labouring on Sunday, “it is asked, what is *gravitas materiæ*? Some say the third part of a day, . . . others, one hour, . . . others, two hours, . . . others, two hours and a little over, . . . Croix concludes two hours and a half.”—iv. 305. Here, then, the *materia* is *grave* or *small*, according as the quantity of time is greater or less.

On fasting. “You must confess whether you have taken a notable quantity once or often, for it is perfectly probable that, in this, *materiæ parvitas* excuses from mortal sin, as if a sick man’s servant or a cook tasted a little meat. Pasqualigo says that half an ounce is *materia parva*, but this is deservedly rejected by the Salamanca Doctors, who say that *materia parva* is only the eighth part of an ounce.”—iv. 1029. Here, then, the *materia* is *grave* or *small*, according as the quantity eaten is greater or less.

“What is *materia parva* in omitting to say office? Azorius, &c. hold that a man commits a mortal sin who omits half, or, as others say, a third of ‘a small hour,’ because such part is notable *materia* with respect to that hour; but, with greater probability, this is denied by Lessius, &c. because, though that part is notable in respect to the small hour, yet it is light in itself, and in respect to the whole office, whence, on the point of *gravitas materiæ*, the *quantity* of the whole office is to be regarded, and not that of each hour. So Palao, &c. say that it is light matter to omit less than the whole of a small hour. And so Elbel, &c. say that, owing to *parvitas materiæ*, a man would not commit a grave sin who should omit the whole of Vespers on Easter-eve. . . . Sanchez, &c. well conclude that that is universally considered *parva materia* that does not mount up to the *quantity* of one whole hour.”—v. 147. Here, then, *materia parva* is a small *quantity*, *materia gravis* a large *quantity*, *gravitas* and *parvitas materiæ* depending upon quantity.

In saying Mass. “In this, Doctors admit *parvitas materiæ* to excuse from mortal sin, and, where there is reason, from venial sin, as if the Mass be terminated a little before day-break, or begun a little after midday; but in assigning such *materia*, they differ mightily. Azorinus fixes for *gravis mate-*

ria twenty minutes, Layman, half an hour," &c.—vi. 346. Here, then, *materia gravis* is a large quantity of time; *materia parva*, a small quantity.

"In talking with nuns is *parvitas materiæ* allowed? De Alessandro thinks not, but the common opinion is on the other side. Writers, however, differ in fixing what is *parva materia* in such talking. Ciera thinks a *few words*. Merolla, *ten words*. Diana, the *length of a miserere and a little more*. Quarti, a quarter of an hour; nor is Quarti's opinion condemned by Clement IXth's Decree, for the only opinion there condemned was, that a quarter of an hour and half a quarter was *materia parva*," &c. vii. 236. Here, then, *materia gravis* is a greater quantity of time, *materia parva* a smaller quantity.

It is useless to quote more; the principle is as plain as daylight. According as the *quantity* is more or less, the *materia* is grave or small, and accordingly the sin mortal or venial. Why should it be otherwise in the case of theft? It is not. In theft, too, the *materia* is grave or small, according to the *quantity* stolen; but there is this difference from other cases, that here the quantity is not, as elsewhere, absolute, but relative, and so S. Alfonso teaches: "What is *materia gravis* in theft is worth here elucidating more clearly. Whatever some say," (viz. Navarrus, who fixed five farthings, (half a real) and others who fixed £2. (ten gold pieces) for all alike,) "Doctors are agreed, and it cannot be denied, that to determine the *hujus materiæ quantitatem*, the same quantity cannot be assigned absolutely for all, but it must be measured relatively to the circumstances of the person, thing, place, and times." Whether the quantity is relative or absolute is a wholly subordinate question, it is still quantity which makes the *materia* grave or light; quantity of what is stolen in a case of theft; quantity of time in the case of talking to nuns, and so on, but always quantity.

Having thus re-asserted the position which you have denied, I am bound to show that your arguments are not such as to prove the contrary. I do not think this difficult, for,

a. You start with a false assumption, viz. that *gravitas materiæ* and *gravitas peccati* are the same thing. Thus, "you will see," you say, "that *gravitas* (*materiæ* is not expressed but must be understood) does not mean only *quantitas furti*, as you seem throughout to assume, but as S. Alphonso expressly says, the *gravitas of a sin* is to be considered and estimated," &c. He does not say *gravitas of a sin*, but *gravitas materiæ*. Again, in your letter of September 9th, you say, "he lays down the rule, that in estimating the *gravitas peccati* one element is the *quantitas furti*." He lays down no special rule about *gravitas peccati*, but about *gravitas materiæ*; and it is observable, that what he calls

gravitas materiæ in his larger work, in the corresponding passage in the *Homo Apostolicus* he calls *quantitas furti*. These are his words; "To estimate when *quantitas furti* amounts to mortal sin, the *quantity* must be considered not only in itself, but relatively to circumstances," &c. Is *quantitas* only *one element* of *quantitas*? The same thing runs through your letters; but the distinction between *materia* and *peccatum* is a very important one, for it is *gravitas peccati* which includes "the extent to which the Divine Laws of Justice and Charity have been violated," not the *gravitas materiæ*.

b. You argue that *gravitas materiæ* is not the same (in the specific case) as *quantitas furti*, because S. Alfonso says that *materiæ gravitas* is to be estimated "*non solum in se sed etiam ex circumstantiis, ex toto, et ex fine intento*," which you afterwards thus explain. "The *gravitas materiæ* signifies not only the quantity of money, but the extent to which the Divine Laws of Justice and Charity have been violated. In order to estimate this, S. Alphonso says you cannot consider the matter only, but must include circumstances, the whole of the action, and the end intended." That *gravitas materiæ* does mean the extent to which the Divine Law has been violated—apart from the notion that mere quantity does violate more (a thing which, of course, implies that quantity *is* the test of the mortality of actions, which you started with denying,) is, if what I have argued above holds, an error arising from the confusion of *objectum formale* with *formalis malitia peccati*, and of *gravitas materiæ* with *gravitas peccati*. That which is to be estimated, then, is not the violation of God's Law, but the gravity or amount of the matter in hand, whether that matter be time, other people's property, or anything else. This matter, he says, must not be estimated solely *in se*, that is, as he expresses it in his *Theologia Moralis*, *absolutely by itself*, but (a) *ex circumstantiis*, that is, as he again says, relatively to such circumstances as *persons* which may make matter absolutely and by itself light, to become grave, as 6d. is absolutely by itself light, but relatively to a very poor man, grave—(β) *ex toto*—not, I conceive, as you translate it, "the whole of the action," but the whole of the amount concerned, whether money, time, or anything else, as illustrated by the example, that if a man has vowed to give 4000 scudi, it is venial not to give three of them "*etsi talis pars, absolute in se spectata sit notabilis, comparatione tamen totius, morali judicio non valde videtur æstimanda* (γ) *ex fine intento*, i. e. relatively to the purpose in hand, "ad quem si parum facit, levis est, gravis autem si multum," ii. 56.

The meaning, then, of this sentence would be, that the amount necessary for mortal sin was relative, not absolute. This does

not the least interfere with my argument. You have to prove the propriety, 1, of such a condition at all as *gravitas materiæ*; 2, of such *gravitas materiæ* being relative, not absolute; (a point which, granted the first, I should not dispute;) 3, of a *scale* being drawn out of such relative gravity; 4, of the special scale adopted by S. Alfonso.

Bournemouth, Sept. 20th. Having been travelling in Northamptonshire and elsewhere for some days, I have been unable to finish this letter till to-day. I have now to thank you for your note of the 13th, making the correction which you will see that I have anticipated. Of course you are prepared to give up the superstructure built upon the error.¹ I have two more remarks to make still, in comment, on your letter.

1. You write, "Unless the *6d.* more or less in your supposed case added '*novam speciem malitiæ*,' the two acts with the same advertence and consent, would, according to S. Alphonso, be morally equal." Now, as he distinctly says that they are not equal, and you only leave one condition under which they can be unequal, you, of course, intend that condition to be taken, viz. that the *6d.* additional adds "*novam speciem malitiæ*." You hold, therefore, that there is some new *circumstantia* which has added another accidental malitia to the act. This *circumstantia* can only be the difference in *persona*, or the mere difference in *quantity*. You cannot mean the difference in *persona*, because that would not cover the first case of *2s.* and *2s. 6d.*, or the third case of *5s.* and *5s. 6d.* where the *persona* is the same, but only the second, which you have not quoted. You must, therefore, mean the additional quantity. Now the very thing which you began with denying, is, that the quantity of the thing stolen is made (granted advertence and consent) to constitute the difference of mortality and veniality between the two acts of theft; and now you argue that the additional *6d.*, not only "*auget malitiam intra eandem speciem*," but also "*addit novam speciem malitiæ*." In this you go beyond S. Alfonso, for he classes *quantitas furti* under the head of circumstances, "*speciem tantum aggravantes*"—ii. 34; and excludes it from the class of circumstances, "*speciem mutantes*."—vi. 468.

¹ The following is the note referred to:—

Sept. 13, 1853.

My dear Sir,

In the quotation from St. Alphonsus's larger work in my last letter but one, I trusted my MS. notes, not having the book with me, and wrote "*omnis actûs*" instead of "*actûs amoris*." I have not been able to refer to the original till to-day.

Believe me, my dear Sir,
Yours faithfully,
H. E. MANNING.

2. You say, "To steal 2s. from a rich man might be venial, while to steal 2s. 6d. from a poor man might be mortal morally impossible." You have unnecessarily aggravated the invidiousness of the case; it should rather have been 2s. from a richer man, and 2s. from a poorer man, or 2s. and 2s. 6d. from the same man; but passing that by, that the case *might be* venial, and *might be* mortal, I should not dream of denying; but then, on the other side, to steal the 2s. 6d. *might be* venial, and to steal the 2s. *might be* mortal, according to the frame of mind of the agent. It is not a question of *might be*, but of *is*, nor can you fairly start with a *might be*, i. e. a contingency in your premiss, and arrive at a *morally impossible*, i. e. a necessity in your conclusion.

That conclusion is remarkable. That it is morally impossible that a man could, with the same state of mind, steal 2s. and 2s. 6d. either from different persons, or from the same person, when that person is in such a position as that, with respect to him, 2s. is *materia parva*, 2s. 6d. *materia gravis*. However you account for this *necessary difference* of state of mind, whether because in the latter case "greater outrage is done to the Divine Laws of Justice and Charity," or because "a new species of malitia is added," or because "the whole complex of the moral act" is altered, it is only throwing back the difficulty a step further. Why and how is greater outrage done to the Divine Laws by the theft of the additional sixpence? Why and how does the additional sixpence add a new species of malitia? Why and how does it alter the complex of the moral act? One answer, it appears to me, can alone be given, because quantity is made the criterion between greater and less sins, even to the extent of making it (advertence and consent presupposed,) the distinctive feature between a mortal and a venial sin.

I remain, my dear Sir,

Yours faithfully,

F. MEYRICK.

LETTER VIII.

Rev. H. E. MANNING to Rev. F. MEYRICK.

Errwood, September 9, 1853.

My dear Sir,

I understood you in London to say, that St. Alphonsus lays down a scale of supposed mortal and venial sins in the matter of theft from Commoners and Noblemen. The last illustration given was, the stealing half-a-crown from Lord L. or from myself.

Twice in your letters you put the same case of theft from a "Commoner," or a "Nobleman : " in one place underlining the words.

You do not suppose that St. Alphonsus goes by a sort of Red Book, or by a list of the Lords and Commons, as if title were the rule of his estimate.

Have you not been misleading yourself by this illustration? St. Alphonsus says nothing of Commoners and Noblemen in the sense of the cases you proposed.

He takes, as you correctly stated in your letter of July 15, the classes of poor who beg, poor who labour, persons who have means of their own, artizans, traders, upper classes, noblemen included, royal persons, &c.

It is manifest that his scale is formed on the diversities of lot, as to substance, from want to wealth, in the widest and fullest sense, and takes it as the measure of *susceptibility of injury*.

His scale rests upon the same moral truth as the Parable which Nathan spoke by inspiration; and in another aspect, of the commendation of our Divine Lord bestowed upon the Widow's mite.

To put cases of Noblemen and Commoners, unless they involve this diversity of condition, and the consequent degrees of susceptibility of injury, is irrelevant. If they do involve this difference, I do not know how any Christian can deny the conclusion.

For instance :

To steal 5s. from a Nobleman, may be a very light injury.

To steal 5s. from a Commoner, who earns his bread by hard labour, may be a very grave injury.

And the *formalis malitia* of the act, according to St. Alphonsus, would vary accordingly.

In the scale given he lays down the following general rules :

1. That the poor who live on alms, as the old, sick, destitute, &c., are more susceptible of injury by theft, than poor who can earn their living : that poor who can earn their living are more susceptible of injury than those who have means of their own, and so on.

2. That in proportion as the injury inflicted is greater, (advertentia and consensus always pre-supposed,) the violation of the opposite virtues of justice and charity is greater, and the *formalis malitia* of the act is greater likewise.

3. That in estimating the *gravitas peccati*, one element is the *quantitas furti*, which, he says, is to be considered, "non solum in se ipsâ, sed etiam respectu personarum, temporis, et loci," (sec. 22) by which he brings into the estimate the whole moral or formal malitia of the act. And after giving the instance of the tailor's needle, he says, "Et ita etiam potest esse grave

(saltem contra caritatem) furari rem tenuis pretii, si dominus magnam pœnam subiturus esset ob illius omissionem." If you will consider these words, you will hardly ask, "If quantity is not made the criterion of the theft, then what is?"

I suppose no one will say that all thefts, from the greatest to the least, deprive the soul of sanctifying grace, nor that no theft whatsoever does so. Some, therefore, do, and some do not.

And it is necessary for souls to discover for themselves, or by the help of their pastors, what is their state before God.

To ascertain this is as difficult as it is vital, and all that we can do, is to use the best criteria we can.

St. Alphonsus, therefore, says,

1. That in trying to ascertain the guilt of thefts, the points to be estimated are—

1. The advertentia.

2. The consensus.

3. The Gravitas Furti.

2. That the gravitas furti consists formally and morally in the violation of the divine laws of justice and charity.

3. That to estimate this violation, we must consider not only the quantity stolen, but the circumstances of the case, the person, the time, the place, &c.

4. That this estimate can only be made by the judgment of the prudent and experienced, who are familiar with the condition of their own countries and people. It is not that doctors differ in their tariff from self-sufficiency, but that men of sense, judging in different countries, and for different classes of people, in different conditions of society, necessarily give various decisions.

St. Alphonsus says, the "opinions which are more commonly received" are "intrinsically more probable," showing that the whole subject matter is one on which rules can be given only in general.

To treat it, therefore, as an appraisement of sins by shillings and sixpences, is not to object to St. Alphonsus, but to misunderstand him.

Believe me, my dear Sir,

Yours faithfully,

H. E. MANNING.

LETTER IX.

Rev. F. MEYRICK to Rev. H. E. MANNING.

Bournemouth, Poole, Sept. 24, 1853.

My dear Sir,

In your letter of July 25th, the scope of your argument was, I believe, that *quantitas furti* was not one of the conditions of a theft being mortal, but a sign by which we could tell “the interior frame of mind of the agent;” “the conditions under which mortal sin may become venial, or venial sin may become mortal, being the absence or presence of a malicious intention, or *advertentia ad malitiam objecti*.” *Advertentia ad malitiam objecti*, therefore, combined, doubtless, with *consensus*, was, according to this theory, the cause of the mortality of a sin, and *gravitas materiæ* was only a sign by which its existence might be known. In my reply of Aug. 24, I pointed out that *advertentia ad malitiam objecti* could not mean malicious intention—that *gravitas materiæ* was distinctly stated by Liguori to be a condition, without which a sin was not mortal; and that the reason why it would be natural in him to make a certain *quantitas* a necessary condition for theft, was, that he taught that the essence of the sin, or, at any rate, one ingredient in the essence of the sin, was, “the quantity of harm done to our neighbour.”

In your letter of Sept. 9, the whole scope of the argument is, that in proportion as the injury inflicted upon our neighbour is greater or less, the sin is greater or less; and, therefore, that *quantitas*, both absolute and relative, is a necessary condition of a theft being mortal. I may consider, therefore, that you have abandoned the ground which you first took up as untenable, and adopted a position which, I allow, is more in accordance with Liguori’s teaching. It remains to examine whether this theory, which adopts and justifies the principle of *quantitas furti*, will do better than the previous one, which, made as though it were not there at all, or, if there, could be resolved into something else.

As to the supposed difficulty of “nobleman” and “commoner,” on which you seem to imagine that I have a misconception, I have understood the term “nobleman” just as you do. The reason why I chose it more than others, was, that it was a more comprehensible class than some of the others, and because we had begun originally with the mention of that class. His scale in the *Theologia Moralis* is apparently

	s.	d.
With respect to those who beg,	0	5
With respect to those who work,	0	10
With respect to mechanics,	1	0
With respect to the moderately rich,	1	8
With respect to the absolutely rich, or very opulent merchants,	2	6
With respect to very rich noblemen, ¹	5	0
With respect to a very rich community,	7	6
With respect to kings	10	0

It would not be difficult to find fault with the relative proportions here laid down, but as my objection is to scales being laid down at all, and to any kind of amount being definitively fixed as a necessary condition of mortality, I do not choose to take such low ground as that of objecting to any special scale. It will be seen, however, that this scale bears out my original assertion, that, according to S. Alfonso, the theft of 2s. 6d. from Lord L. would have been venial, and from yourself, mortal, if committed at the same time and place, and with identically the same degree of malicious intention towards each. I am aware that you have denied the possibility of the existence of an equal degree of malice in cases where the sufferers have not about the same amount of wealth, but I believe that I have disproved that position in my last letter. Indeed, it appears to me that it only requires to be stated nakedly, in order to disprove itself.

To come to the main question now at issue.

Is the harm done to our neighbour the formal cause of the sinfulness of theft in such sense as, that, with the increase of harm done, the sinfulness of the act of theft increases in like ratio? This is plainly the foundation on which you rest your arguments in your letter of Sept. 9, as shown by your saying that, according as 5s. was a very light or very grave injury, "the *formalis malitia* would vary accordingly." And again, "that in proportion as the injury inflicted is greater . . . the *formalis malitia* of the act is greater likewise."

Now it is obvious to remark on this,

1. That it is not very high morality. There is teaching of a more exalted character to be found among heathens, e.g. Horace :

"Nam de mille fabæ modiis si surripis unum
Damnum est, non facinus, mihi pacto lenius isto."

2. That it is a lawyer-like fashion of measuring crime

¹ The epithet is omitted in the *Homo Apostolicus*, but is doubtless meant.

more adapted to a criminal code of a state, than a method of computing sinfulness on the principles of religion and pure morality.

3. That if the principle were carried out, it would be very difficult for a clerk in the Rothschilds' firm, or a servant in Lord Westminster's household, to be guilty of a mortal theft, for their masters are not easily "susceptible of injury" by moderate losses.

4. That a man finding a purse containing 5s. and wilfully appropriating it, would be ignorant whether he had committed a mortal or venial sin—whether, that is, God's grace was withdrawn from him, and his soul spiritually dead, or whether he had but sinned in a way sufficient not to diminish God's grace towards him, but only his own affection towards God.

But I maintain that the amount of harm done to our neighbour is not the formal cause of the sinfulness of theft.

"Sin," says S. Alfonso, "is defined by S. Augustin and S. Thomas. 'A thing said, a thing done, or a thing coveted, against the Eternal Law.' The words, 'against the Eternal Law,' are used, because in this consists the whole formal badness of the sin." Now God has written the moral law in our hearts, and the positive law in His Word: "Thou shalt not take that which is not thine to take." This is the law of Justice in one of its forms. As soon, therefore, as anyone has knowingly and wilfully taken that which was not his to take, he has broken the Divine Law of Justice. The act of the sin of Theft is complete. Whether the thing was worth more or less, whether more or less harm has been done to the owner, are, I acknowledge, points of importance; but they are further points; they do not once come into consideration as elements constituting the essential sinfulness of the act of theft, but only as adding, it may be, an additional malitia to it.

"Circumstances," says S. Alfonso, "either add a new kind of badness to an act, or aggravate its badness." Such a circumstance is the more or less injury inflicted by the theft. A man sees 6*l.* before him, and covets it—he knows that God's Law of Justice, and His positive Law founded upon it, forbids him to appropriate it, and that consequently he shall be acting against His Law in appropriating it; nevertheless, in spite of this knowledge, he wilfully chooses, for present gratification, to appropriate it. The sinfulness of the act is perfect, and yet not a thought of the amount of harm done to another has entered into the mind. *As an act of theft*, it is as sinful as if the sum had been £100. It is true that if it had been £100, and that £100 had been the hard-earned savings of a poor man, and his all, *another offence* would be added to the sin of theft. And something of this sort

is the case in the Parable of Nathan, to which you refer in justification of the tariff. The act of Theft, or rather, Rapine, would have been perfect, had the rich man taken a lamb from another rich man; but his having taken it from a poor man, added an additional offence; that this poor man had no other lamb but one, was a further aggravation; and that he loved it as a daughter, added still more the sin of cruelty; but the sin of theft, or rapine, was perfect without these additional aggravations.

Any real application in your other Scriptural example—the Widow's Mite—totally eludes my grasp. It goes to prove, certainly, that the same amount may be regarded large or small, relatively to the means of the different owners. But no one denied that. My objection is not to *gravitas materiæ being relative*, but to *gravitas materiæ*, and after that, if need were, to a scale, and to S. Alfonso's special scale.

To return to the subject of the essence of the sinfulness of Theft.

I would conclude that the formal cause of the sinfulness of Theft is the knowing and wilful transgression of God's moral Law of Justice, "Thou shalt not take that which is not thine to take;" and His positive Law, "Thou shalt not steal." That the formal cause of a certain kind of aggravation, or certain other kind of sinfulness, sometimes joined with the sin of Theft, is the violation of God's Law of Charity, which, in one of its shapes, would be embodied in such a formula as, "Thou shalt not do damage to thy neighbour;" and the positive Law, "Thou shalt love thy neighbour as thyself." But the harm done to our neighbour, which is the violation of the Law of Charity, is an accident to the *sinfulness* of Theft, though a most frequent, if not constant, consequent upon the *act* of Theft. In short, the essence of the sinfulness of Theft consists in the violation of God's Law of Justice and direct command—the essence of something else usually united with it, and aggravating it, consists in the violation of God's Law of Charity and direct command. But Theft is in itself a mortal sin, without any accidental aggravation and addition.

The case might be illustrated by that of murder. The formal sinfulness of murder consists in transgressing the Law of God written in our hearts and in His Word.—"Thou shalt not take another's life." "Thou shalt do no murder." The sin would be a perfect sin of murder, although good, rather than harm, should come to the sufferer. The harm done to the sufferer adds another sinfulness to the already mortal sin of murder.

Therefore, "the *formalis malitia* of Theft" does not "vary

according as the injury is very light, or very grave;" it only has an additional malitia added to it in the latter case.

You write, "I suppose no one will say that all thefts, from the greatest to the least, deprive the soul of sanctifying grace, nor that no theft whatsoever does so. Some, therefore, do, and some do not." Assuredly; and not only would some acts be mortal, and some not mortal, but an act the very same in all its external features might be mortal, or not mortal. But there is an ambiguity in the words *greatest* and *least* which might have reference either to the amount involved, or to the sinfulness of the act. The amount stolen would have nothing to do with the difference, whether the amount were absolute or relative. The character of the act would depend wholly on the state of mind out of which the act sprang.

Again you write, "S. Alfonso says, that in trying to ascertain the guilt of thefts, the points to be estimated are, 1. the advertentia; 2. the consensus; 3. the *gravitas furti*." This is the same confusion of words, and consequently of things, as that which I pointed out in my last letter. The third point is not *gravitas furti*, but *gravitas materiæ*, or *quantitas furti*. So above you have spoken of *gravitas peccati* in place of *gravitas materiæ*. There is a further risk of confusion from this use of the word *furti*, for it is in itself an ambiguous word. It may mean "the thing stolen," as it does in the phrase, *quantitas furti*. It may mean the "whole act of theft," as you would make it here.

If any proof were wanted in addition to that which I gave in my last letter, to show that *quantitas furti* is, in the specific case, the same as *gravitas materiæ* in the general, it might be taken from this passage. The heading in the *Theologia Moralis* is, "What is *gravis quantitas* with respect to diverse kinds of persons?" The corresponding heading in the *Homo Apostolicus* is, "Concerning *materiæ gravitas* with respect to diverse kinds of persons." Of course the subject of both is the same. Again, the discussion of *materia gravis* in the *Homo Apostolicus* at once begins with, "To estimate when *quantitas furti* amounts to mortal sin."—Hom. Ap. Tract x. Punct. 2. S. 22.

Gravitas furti is not the third point to be estimated, but *gravitas materiæ*, or *quantitas furti*; *furti*, in the last phrase, meaning "that which is stolen," in the first, "the whole act of theft." Now "*gravitas furti*" may perhaps "consist formally and morally in the violation of the Divine Laws of Justice and Charity," but "*gravitas materiæ*" does not. It is not, therefore, "this violation" which has to be estimated by the sliding-scale, nor, as you say above, "the *gravitas peccati*, in which *quantitas furti* is one element," but the *quantitas* itself. "To estimate," says S. Alfonso, "when the *quantitas furti* amounts to mortal,

the quantity must be considered not only in itself, but also relatively to persons, time, and place." These last words, you say, "bring into the estimate the whole moral or formal malitia of the act. I have already shown that they do not, but that they only imply that quantity is legitimately calculated relatively to circumstances, not simply and absolutely in itself, as half a real, or ten gold pieces. This accounts for the tailor's needle and the "*rem tenuis pretii*."

That the estimate of the necessary quantitas should be said to depend on the judgment of the wise, appears to me very natural, because these "wise" are the directors of conscience and the moral theologians themselves. And, besides, we know that grave authors have the privilege of making matters probable: the more, then, that you want probability, the more you must count up the Doctors' opinions. Thus he says, "To make a just measurement of this gravity, the Salamanca Doctors say rightly, that the authority of the wise contributes greatly, *quorum major auctoritas, in hoc puncto, mihi videtur majorem constituere probabilitatem*." "*Therefore*," he continues, "I have diligently taken care to get together here the different opinions of Doctors, and, not to make quotations too often, I will here mention together all the authors that I have looked at. They are Lessius, &c. &c."

The "*sapientes*," then, are not "the experienced who are familiar with the condition of their own country," so much as the moral theologians and casuists, and the *opinioniones communiores* would not so much mean "commonly received" by mankind as "generally agreed upon" by casuists, according to the technical sense of *opinio communis*. And Liguori's object, in referring to them, is not so much to conclude "that the whole subject matter is one in which rules can be given only in general," as to gather his materials for drawing out his own scale.

The reason why there is such an amount of difference in the different Doctors' scales is an unimportant question, but I should have thought that a more probable reason than that which you assign, was, that they were an attempt at calculating how much the expenses of different classes amounted to in a day, for it seems that "Doctors in common say, that that is grave matter in theft which would be enough for any one to keep himself and his household for a day, according to his condition in life—in which, as Croix, Sporer, Gomez, and others, well remark, not only food, but dress and lodging are also computed." This calculation would, of course, be difficult.

But this is a minor point. On the main subject I think that I am justified in concluding, so far as we have gone as yet,

That—whereas "*advertentia ad malitiam objecti*" does *not*

mean “malicious intention in the agent;” whereas “*gravitas materiæ*” can *not* be resolved into “*advertentia ad malitiam objecti*;” whereas “*formale objectum*” is *not* the same thing as “*formalis malitia objecti*,” and, consequently, does *not* mean “the whole complex, material and formal, including the violation of the Divine command;” whereas “*gravitas materiæ*” is *not* the same as “*gravitas peccati*,” and, consequently, does *not* “include the extent to which the Divine Laws of Justice and Charity have been violated;” whereas, the fact of the *materia* being not absolute, but relative, does *not* “bring into the estimate the whole moral or formal malitia of the act;” whereas “the *formalis malitia* of theft,” as such, does not “vary according as the injury” done is “light or grave;” that you have not yet advanced a step in disproving what you undertook to disprove, viz. that (advertence and consent presupposed,) the quantity of what is stolen is made the criterion of a sin of theft being mortal or venial; so that, in a given case, it would depend on the *6d.* more or less, whether the sin committed, “owing to its gravity, destroyed grace and friendship with God, and earned eternal punishment, took away habitual grace and brought death to the soul;” or whether, “owing to its lightness, it did not take away God’s grace and friendship, although it diminished the fervour of our affection towards Him, and earned temporal punishment, and without hurting the principle of spiritual life, viz. grace, introduced into the soul a languor which was easily cured and easily obtained pardon,” without requiring to be confessed.

I am, my dear Sir,
Yours faithfully,
F. MEYRICK.

LETTER X.

Rev. H. E. MANNING to Rev. F. MEYRICK.

25, Chapel Street, Grosvenor Square, Oct. 13, 1853.

My dear Sir,

I returned to London at the end of last week, and lose no time in thanking you again for your two last letters.

The question before us is whether the teaching of St. Alphonsus be as follows: that the distinction between mortal and venial sin, in the matter of theft, depends upon the quantity stolen, and that the guilt of the act is made to “depend upon something external, *not upon the frame of mind of the agent.*”

In remarking upon the arguments you have offered in support

of this statement, I pointed out, in my letter of September 8, that you seem to me to misconceive the meaning of St. Alphonsus in two points. 1. In not distinguishing the meaning of *objectum*. 2. In supposing “*gravitas materiæ*,” and “*quantitas*,” to be convertible terms.

Your last letters, if I rightly understand them, confirm me in this supposition.

The teaching of St. Alphonsus on these two points is as follows :

(1.) First, as to the meaning of *objectum*.

He lays down that human acts derive their goodness or badness materially from their objects and circumstances, and formally from the virtues to which they are conformed or opposed. —Tract 3, c. i. 19.

The meaning of this is given with great clearness by Scavini, who avowedly represents the teaching of St. Alphonsus. He says :—

“*Duæ solent moralitatis species indicari, bonitas nempe atque malitia: bonitas consistit in ipsâ conformitate actionis humanæ cum morum regulis: malitia in ejusdem conformitatis defectu.*” . . .

“*Sub duplici autem respectu considerari potest bonitas et malitia moralis: objective et subjective: objective spectata est ipsa actionis conformitas vel discrepantia in se, et in ipso objecto considerata independenter ab agentis voluntate: hoc dicitur bonitas vel malitia materialis: subjective vero accepta ea est quæ in ipsa voluntate agentis consideratur et libere ab eo volita est, atque bonitas vel malitia formalis solet in Scholis appellari.*” —Diss. i. c. iii.

When St. Alphonsus says “*objectum furti*” is “*res aliena*,” he means not only property, but the property of another encompassed by the law of justice. The *objectum*, therefore, is not only the material thing, but the moral object constituted by its relation to the *regulæ morum*. The meaning, therefore, of “*advertentia ad malitiam objecti*” is this.

The *objectum furti* is *res aliena*, in which, apart from the act of taking it, there can be no “*malitia*” at all, inasmuch as it is “*semper bonum, bonitate entis.*”

The *malitia objecti*, therefore, is primarily the *malitia* of the act of taking the property of another, thereby violating the law of justice.

But this would be only *malitia materialis* if done *inadvertently*.

The “*Advertentia ad malitiam*” adds further the consciousness of the agent, that in taking the property of another he is violating the law of justice, and that consciousness constitutes the *malitia formalis*.

The whole phrase, therefore, signifies a consciousness in the agent of the malitia moralis of the act of stealing.

And, therefore, throughout the discussion respecting “advertentia,” St. Alphonsus uses, as equivalent to the phrase in question, the following forms, “advertentia . . . malitia actûs,” “malitiam actionis cognoscere.”—sec. 25. “Suspicionem malitiæ actûs,” “malitiam suæ actionis.”—sec. 26.

If, therefore, by “badness of the thing,” you meant the moral badness of the action, there is, I hope, no difference between us.

The meaning of St. Alphonsus is, that a man does not commit a mortal sin unless he is conscious of the moral badness of the act he perpetrated.

And this makes the guilt to depend upon the internal frame of mind in the agent; and the guilt is greater as the badness of the act of which he is conscious is greater.

2. Next, as to the meaning of “gravitas materiæ,” St. Alphonsus uses the three following phrases.

(1.) Gravitas *peccati*, by which he intends the guilt of the whole sin, including all its constituents of advertentia, consensus, and gravitas materiæ.

This, therefore, signifies the material or formal malitia of the complete act.

(2.) Gravitas *materiæ*, by which he intends one of the three constituents of mortal sin.

The gravitas materiæ is to be estimated, he says, non solum in se, but also in its circumstances, which are at least seven, as given in the barbarous line :

“Quis, quid, ubi, quibus auxiliis, cur, quomodo, quando.”

And lastly, in relation to its end, which, he says, is “finis, non intrinsecus operis,” “sed extrinsecus operantis.”

(3.) Quantitas, by which he intends one of the seven circumstances which fall under the category of quid.

The distinction, therefore, between “gravitas materiæ” and “quantitas” is evident.

1. Gravitas expresses the moral quality of the act as a whole, viewed objectively, with all its circumstances and end.

Quantity is only one of those circumstances.

2. Gravitas materiæ may exist with a quantitas notably small. “Auferre acum sartori potest esse materia gravis.”

3. The same “quantitas” would, according to St. Alphonsus, be mortal or venial if stolen from a rich or a poor man, because of the gravitas materiæ in the latter case.

The instances of breach of promissory oaths, &c. proceed on the same principle.

The gravitas materiæ of breaking a promissory oath, consists in the extent of the malitia objectiva materialis of the action by which the law of justice is violated.

The gravitas materiæ in breaking fast, consists in the extent of the violation of the law of obedience.

The gravitas materiæ of omitting to recite the Divine office, consists in the extent of the violation of the virtue of religion.

The extent, or quantity, of the material act is one of the circumstances which aggravate, i. e. increase the gravity of the matter.

And the extent of the malitia materialis, together with advertentia and consensus, determines the extent of the malitia formalis.

Condition 3, namely, "Gravitas materiæ," is not *resolved* into condition 1, namely, Advertentia, but the whole "materia gravis" is the object of which the advertentia of the agent takes cognizance. And that advertentia, with consent, constitutes the formal malice of the agent.

The formal malice of an agent who consciously sins "in materiâ gravi," is, ipso facto, greater than that of one who sins "in materiâ levi."

And it is this greater degree of formal malice which distinguishes mortal from venial sin.

St. Alphonsus, therefore, does not make that distinction to depend on something external, as quantity, and "not on the frame of mind of the agent."

On the contrary, he teaches that "materia gravis," without this frame of mind, would not constitute mortal sin: and that "levis materia," with a certain frame of mind, would become mortal, i. e. ex contemptu Dei.

This is evident from the whole of his Theology.

1. First, from the Treatise on Conscience, at the outset of his work. He says,

"Licet conscientia in omnibus divinæ legi conformari debeat, bonitas tamen, aut malitia humanarum actionum nobis innotescit, prout ab ipsâ conscientiâ apprehenditur."—s. 1.

2. Again, from his teaching respecting "conscientia dubia."

"Nunquam esse licitum cum conscientiâ practice dubiâ operari; et casu quo aliquis operatur, peccat, et quidem *peccato ejusdem speciei et gravitatis, de quo dubitat*: quia qui se exponit periculo peccandi, jam peccat, juxta illud: 'Qui amat periculum in illo peribit.'—Eccle. iii. 27. *Quare si dubitat, an illud sit mortale, mortaliter peccat.*"—s. 22. "Si dubitat esse furtum furti peccat."—H. Ap. In. c. ii. 13.

Here is absolutely and only the inward state of the mind of the agent as constituting mortal sin.

3. The whole treatment of "ignorance," as excusing transgression, is founded upon the same principle.

He says, "*quamvis factum sit de se mortale,*" "*si nullum peccatum committere intenderet, nullum quidem committeret.*"—Tract 2, c. iv. 171.

4. The modes by which mortal sin may become venial, and venial sin mortal, all depend upon the *formalis malitia* of the agent, on his inward state or the end intended.

5. Lastly, he teaches that the guilt of sin is so consummated by the *internal act*, that the external act adds no new essential malitia, but only an accidental.

And this accidental malitia consists in making the *internal act worse*, more intense, or more lasting.—*De actib. hum. xl.*

The sum of his teaching is,

1. That the guilt of sin consists formally in the subjective frame of mind in the agent, i. e. in the *malitia formalis*.

2. That the distinction of mortal sin is made by the greater degree of that subjective and formal malitia.

3. That, as a general rule, the objective and material malitia coincides with and indicates the extent of the subjective and formal malice.

4. That one of the many circumstances which aggravate or diminish the "*gravitas materiæ*," and therefore, the formal guilt of the agent who consciously commits any given act, is quantity.

This, I believe, will be found to be the teaching of St. Alphonsus.

In answer to the second letter, I would observe that St. Alphonsus has protected himself from the imputation of taking low grounds by the fact that he everywhere teaches that theft is a violation of the divine law of justice.

The commandment, "*Thou shalt not steal*," stands in the second table among those which regulate our duty to our neighbour.

It is most accordant, therefore, with the divine law, to dwell on the injury inflicted upon our neighbour in the matter of theft.

He that offends in one point is guilty of transgressing the whole: every "*injuria contra proximum*," is also "*injuria contra Deum*."

I do not, therefore, see the necessity or the justice of a large part of your remarks on this point.

In respect to every conceivable case in which the circumstance of quantity can apply, one rule is laid down: namely, that unless the quantity be "*notabiliter aggravans*," it cannot constitute mortal sin.

In the case of *2s. 6d.* from Lord L. or from anyone towards

towards whom the wrong would not be appreciably different, the difference of the *malitia materialis*, and *formalis*, would likewise be inappreciable.

The same is true of thefts committed against the same person, until they coalesce into an amount which constitutes an appreciable "*gravitas materiæ*."

It is, then, not the "quantity," but the *malitia materialis* and *formalis* of the action, which constitutes the mortal sin.

For he who wilfully commits what he knows to be a graver sin, is, *ipso facto*, in a different frame of mind from him who believes himself to be committing a less sin.

The scale given by St. Alphonsus is not to be applied arithmetically, but morally.

And objections drawn from sixpences are like the fallacy of asking, If 500 grains make a heap, why will not 499?

It is obvious that Moral Theology does not pretend to mathematical scales of quantity: and that it judges of the *malitia* of acts *in the agents*, and by the frame of their mind, as it bears upon the whole subject-matter of the action.

On the 25th I expect to start for Rome, and our correspondence will then have this restriction—that we must be content with a single sheet. A double letter costs the fatal sum of 2s. 6d.

Let me, therefore, my dear Sir, ask of you a favour. The doctrine you ascribe to St. Alphonsus, if I rightly understand it, is contrary to natural and revealed morality, and to the Theology of the Church.

It is no light thing to say this of any servant of our Lord, living or departed. I truly believe that we shall all have to answer for many such sayings.

I do not ask you to accept my statements of St. Alphonso's meaning, but I would ask you to verify your interpretation by examining the works of other moral Theologians, who avowedly quote and follow him.

Such books as Scavini's and Gury's are easily to be got in London. My copies are at your service if you will. The older writers, as Laymann, Antoine, &c. are, no doubt, at Oxford. I feel persuaded that this would be better than any correspondence.

Believe me, my dear Sir, always,
Yours faithfully,
H. E. MANNING.

LETTER XI.

Rev. F. MEYRICK to Rev. H. E. MANNING.

Newbattle Abbey, Dalkeith, Dec. 26, 1853.

My dear Sir,

The Term being now over, I have more time to write a reply to your letter, which I said in my note I should probably not find an opportunity of answering in the midst of Oxford work. If I shall express myself without circumlocution, I trust that you will consider that I do it, not from disrespect to yourself, but, on the contrary, because compliments are unnecessary between us.

I must begin by correcting your statement of the question between us. My assertion is not *simply* "that the distinction between mortal and venial sin, in the matter of theft, is made to depend upon the quantity stolen," but that an act of theft, committed knowingly and wilfully, is not, according to Liguori's theory, therefore a mortal sin, unless the thing stolen be also of a certain quantity, or amount, or value. Some words of mine, which you transcribed in your letter of Sept. 8, express my meaning clearly: "S. Alfonso does teach that a certain frame of mind, *advertentia* and *consensus*, the one *plena*, the other *perfectus*, are necessary for mortal sin. *That I perfectly allow*. But he adds that these are not enough, that the sin is not yet mortal without a certain *quantitas*." So far, then, as your arguments in your letter of Oct. 13, prove that S. Alfonso's theory is not that *amount alone* constitutes the difference between mortal and venial sin, so far I agree, and have agreed from the beginning, so far as they go to make out that it is not the rule that a certain amount is a necessary condition, without which the act is not mortal sin, so far, I fear, we are still at issue.

I have never objected to either of the two first conditions, *advertentia ad malitiam objecti*, or *consensus voluntatis*, but only to the third, *gravitas materiæ*. The chief questions about *objectum* have been, (1.) a matter of translation, whether your three translations of *advertentia ad malitiam objecti*, (a) "presence of a malicious intention;" (β) "the whole complex, both material and formal, including the violation of the Divine command;" (γ) "a consciousness in the agent of the *malitia moralis* of the act," are preferable to that which I have given, "a recognition of the badness of the thing," which "thing" I explained to be, "the thing about which the act is;" in S. Alfonso's words,

"Objectum est illud circa quod versatur actus moralis et primò et per se attingitur ab ipso actu," 2, 4, 36. And further, (2.) I have questioned the correctness of your position that *malitia objecti*, *malitia humani actûs*, *malitia peccati*, are in such sort identical as that *malitia objecti (formalis)* is the same as *formalis malitia peccati*. But these questions, having reference to condition 1, not to condition 3, are bye-questions, and I will therefore omit them at present, and proceed to "gravity of matter."

The ground is somewhat narrowed by our having now come to an agreement as to the distinction between *gravitas peccati* and *gravitas materiæ*. As long as one of us identified gravity of matter with the gravity of the sin, and the other with notable quantity, which has hitherto appeared to be the case, there seemed little chance of agreement. I hope, however, that you will excuse me for saying that I cannot but think that, even now, you have made the distinction between gravity of sin and gravity of matter only in word, and that immediately that you compare gravity of matter with quantity, you speak of gravity of matter as though it were gravity of sin.

The object of my present letter will be to make out three things, 1. That your explanation of *gravitas materiæ* is incorrect. 2. That gravity of matter is constituted by the quantity of the particular matter in hand. 3. That even though there should be any amount of distinction between gravity of matter, (in the general,) and quantity of what is stolen, (in the particular,) yet that such distinction would be of no assistance to your argument, because S. Alfonso distinctly lays down, not only that gravity of matter, but, specifically, that quantity of what is stolen, is a necessary condition, without which a sin of theft is not mortal.

1. Your explanation of *gravitas materiæ* is incorrect. You say, "The distinction between *gravitas materiæ* and *quantitas* is evident. *Gravitas* expresses the moral quality of the act as a whole, viewed objectively, with all its circumstances and end."

First, as to theft.—S. Alfonso says, "Doctors agree that, in theft, that is grave matter which is enough for a man to support himself and his family with for a day, counting not only food, but clothes and lodging." Therefore, in theft, "that which is enough for a man to support himself and his family with for a day, counting not only food, but clothes and lodging," is "the moral quality of the act as a whole, viewed objectively, with all its circumstances and end." Again, "In assigning *gravis materia*, authors use different names of coins." Therefore, in assigning "the moral quality of the act," &c. "authors use different names of coins." Again, "with respect to beggars, I

suppose that a carlino, (according to the note = 5*d.*) or less, is grave matter." Therefore, "with respect to beggars," "5*d.* or less," is "the moral quality of the act, viewed objectively, with all its circumstances and end." Again, for the sin to be grave, twice as large a *materia* is required in several thefts made at different times, as in one theft committed at once; if, for example, 1*s.* 6*d.* is wanted for a single theft, 3*s.* is needed for several small thefts. I presume, therefore, that double as much "moral quality" is required. "But this," Liguori adds, "only holds provided the thief had not originally the intention of taking possession of grave matter (*accipiendi gravem materiam*)."
Is it possible that a man could have spoken of "taking possession of grave matter," if by grave matter he had meant a moral quality, or an act of a certain moral quality?

Next, as to working on Festivals: he says that *parvitas materiæ* excuses, and then asks this plain question, "What is, in this, *gravitas materiæ*?" Now, does he answer this question by saying that it is "the moral quality of the act as a whole, viewed objectively with all its circumstances and end?" or does he say that it "consists in the extent of the malitia objectiva materialis of the action by which the law of obedience or religion is violated?" No, he says that it consists in being *two hours*. "*Quæritur quænam, in hoc, sit gravitas materiæ. Aliqui canonistæ ponunt pro materiâ gravi tertiam partem diei . . . alii unam horam . . . alii ponunt pro materiâ gravi duas horas . . . alii duas et aliquantulum plus . . . alii tres horas . . .* and then follows the communior et probabilior sententia, 2 or 2½ *hours*."

As to fasting, you say that "Gravitas materiæ in breaking a fast consists in the extent of the violation of the law of obedience." S. Alfonso says, (Lib. iv. 1029.) that the Salamanca doctors are right in saying, that, in fasting, half an ounce is *materia gravis*. Therefore, "half an ounce" is "the extent of the violation of the law of obedience."

As to omitting to say office.—You say that "The gravitas materiæ of omitting to recite the Divine office consists in the extent of the violation of the virtue of religion." [You twice use the phrase, "the gravitas materiæ OF." I find no such phrase in S. Alfonso, and it may mean something very different from "IN." I presume that you mean by it, "gravitas materiæ IN omitting," &c.] S. Alfonso says that that is *parva materia*, which is less in quantity than one of the 'hours.' Consequently, the length of one of the hours is *materia gravis*. Consequently, the length of one of the hours is "the extent of the violation of the virtue of religion."

As to talking with nuns: It is argued that any time under twenty-five minutes is *materia parva*; therefore, anything above

twenty-five minutes is *materia gravis*. Half-an-hour, then, is *materia gravis*; half-an-hour, then, is "the moral quality of the act as a whole, viewed objectively with all its circumstances and end."

I believe that I have made out the first point, that your explanation of *gravitas materiæ* is incorrect, i. e. that by it you mean one thing, and S. Alfonso another. I believe that I can also show the reason of the difference, viz. that you still argue as though gravity of matter were gravity of sin—though in a different manner from before.

In your letters of Sept. 8 and 9, you put *gravitas peccati*, without hesitation, in the place of *gravitas materiæ*, as bearing the same meaning. In the letter of Oct. 13, you assume the identity of *gravitas materiæ* with *malitia objecti*, as explained by yourself; at least, I gather so from the following statements.

a. You say that "*malitia objecti* is primarily the malitia of the act, [of taking the property of another,] thereby violating the law of justice," "being only malitia materialis if done inadvertently." This, I suppose, is the same thing as "the moral quality of the act viewed objectively," &c.

b. In the next instance it is clearer: "The *gravitas materiæ* [of (in) breaking a promissory oath,] consists in the extent of the malitia objectiva materialis of the action, by which the law of justice is violated." Here you use the very same phrase for expressing *gravitas materiæ* as that which you had used for *malitia objecti*, with the words "extent of" added.

c. "The extent or quantity of the material act, is one of the circumstances which aggravate, i. e. increases the gravity of the matter; and the extent of the malitia materialis, together with advertentia and consensus, determine the extent of the malitia formalis." Here the word *malitia* has no place except on the supposition that *gravitas materiæ* and *malitia materialis* are the same.

d. In p. 9 of your letter you use "objective and material malitia" for *gravitas materiæ*.

In the arguments then employed in the letter of Oct. 13, you seem to identify the three following phrases,—*gravitas materiæ*, *malitia objecti*, *malitia materialis*. But surely *malitia* has here crept in quite improperly, gravity of matter having nothing to do with material badness, (else how could such phrases as I have quoted. e. g. *accipiendi gravem materiam*, have been used?) but only with amount of matter. Nor do you seem to me to be consistent on this point, for, immediately after having thus introduced *malitia* into the signification, you say that "the whole *materia gravis* is the *object* of which the advertentia of the agent takes cognizance;" but if it is the *object* simply, it cannot

be the *badness of the object* likewise. I would conclude that *gravitas materiæ* no more means *malitia materialis* than it means *gravitas peccati*, but that

2. Gravity of matter is constituted by the quantity of the particular matter in hand. You use three arguments to the contrary.

(a.) You rest great weight upon the sentence which declares that *gravitas materiæ* is to be considered *non solum in se, sed etiam ex circumstantiis*. You translate *ex circumstantiis* "*in its circumstances.*" This translation does not seem to me to bear out the author's meaning. On referring to the *Theologia Moralis* from the *Homo Apostolicus*, I find that St. Alfonso expresses what circumstances he means; and they are not *the circumstances of the matter*, (such as quantity might be,) but external circumstances, as "the common good," "avoiding scandal," &c.; or again, they might be such circumstances as "persons," "time," and "place," which may make matter which is, in itself, light, to be, relatively to them, grave. This, then, is nothing else than what I have acknowledged and maintained throughout—that S. Alfonso regards gravity of matter as relative, not absolute. In *Lib. vi.* where he speaks of quantity as an aggravating circumstance, it is not as an aggravating circumstance of *the materia* (or, as you say, as "*increasing the gravity of the matter*") that he describes it, but of *the peccatum*.

Acknowledging, therefore, that quantity is a circumstance which aggravates the *sin*, I cannot find that it is a circumstance, and "only one of the circumstances, of the gravity of matter," and, for that reason, distinct.

(β.) "*Gravitas materiæ* may exist with a *quantitas* notably small—*auferre acum sartori*, &c. True; but so also may notable quantity, i. e. quantity which is "*in seipsâ*," notably small, may, "*respectu personarum*," be notably great, and constitute *gravitas materiæ*. (*H. A. x. 22.*) This, then, again is nothing else than that S. Alfonso regards gravity of matter as relative, not absolute—not a proof that quantity does not constitute gravity.

(1.) "The same *quantitas* would be mortal or venial if stolen from a rich or a poor man, because of the *gravitas materiæ* in the latter case." This is answered in the same way as before. Instead of the reason which you assign, I would substitute, because, in the latter case, the quantity would be, relatively, notably great, and so constitute, relatively, grave matter; in the former, relatively, small, and so constitute, relatively, light matter. I cannot think that these three arguments prove that "*quantitas* is one of the seven circumstances of *gravitas materiæ*, which falls under the category of *quid*."

In affirming that gravity of matter is constituted by quantity,

the proposition that I wish to maintain, is the following: that wherever there is, relatively speaking, notable quantity of the specific matter in hand (money, time, or otherwise,) there is gravity of matter, and that there cannot be gravity of matter without, relatively speaking, a notable quantity.

In support of this assertion, I would refer first to the long induction which I made in my letter of Sept. 16. It will not be necessary here to repeat it, but I may say that that induction is exhaustive. In every case of *gravitas materiæ* described by Liguori, that *gravitas* is constituted by a certain *quantitas*. I think no exception can be pointed out. This, if not a proof that it is always so constituted, is something little less than proof. And full proof seems to me to be given by S. Alfonso's using the terms *materia gravis*, and *notabilis quantitas*, as convertible. Thus (to give one out of many instances,) Theol. Mor. c. i. dub. 2, "Quæ sit *quantitas notabilis* ad mortale peccatum, ix. 526. Quæ sit *quantitas gravis*, &c, ix. 527. Id clariùs elucidatur." What is? Of course, what is *quantitas notabilis* or *gravis*. But what are S. Alfonso's words? 527. "Quoad hoc punctum, tam scitu necessarium, nempe quænam sit *materia gravis* in furto, operæ pretium est plura hic elucidare." Then, in his estimation, *materia gravis in furto* is the same thing as, or is solely constituted by, *quantitas furti notabilis*. The same inquiry, "quæ sit *quantitas gravis*" in Theol. Mor. is thus expressed in the Hom. Ap. "De *materiæ gravitate*." Then *quantitas gravis*, and *gravitas materiæ*, bear the same meaning—and *materiæ gravitas* is nothing else than *materiæ gravis quantitas*, the same *quantitas* being regarded *gravis* or *levis*, according to circumstances.

3. But this need not be proved for the settlement of the question in hand. Even though *materiæ gravitas* should mean "the moral quality of the act," &c. yet you will not say that *quantitas furti* bears the same meaning. But Liguori says that a certain quantity, (not only *gravitas materiæ*, but *quantitas*,) differing according to the means of the person from whom the theft is made, is necessary for a theft to be mortal. And this quantity is either 5*d.* or 10*d.* or 1*s.* or 1*s.* 8*d.* or 2*s.* 6*d.* or 5*s.* 0*d.* or 7*s.* 6*d.* or 10*s.* according to circumstances. Whether, then, this quantity is *materiæ gravis*, (as he seems to me plainly to assert,) or whether it is not, still no theft is mortal unless what is stolen is equal to 5*d.*, 10*d.*, 1*s.*, 1*s.* 8*d.*, 2*s.* 6*d.*, 5*s.* 0*d.*, 7*s.* 6*d.*, 10*s.* And this at once brings me back to what I set out with, viz. "that *advertentia* and *consensus* are not enough; the sin is not yet mortal without a certain *quantitas*," or, as I expressed it in my letter of Sept. 24, "that (*advertentia* and con-

sensus being presupposed), the quantity of what is stolen is made the criterion of a theft being mortal or venial."

I would willingly add some remarks on other parts of your letter, if the length of my letter allowed it, but as you have warned me that the post office does not admit of *gravitas materiæ*, or *notabilis quantitas*, in letters without grave damage to the recipient, I must, without further criticism, sum up as follows:—

1. S. Alfonso says distinctly that a certain quantity (5*l.* . . . 10*s.* according to circumstances,) must be stolen, else the theft is not mortal: therefore I conclude (though, indeed, it is more a re-affirmation of what he has said than a conclusion,) that, according to his teaching, full *advertentia* and perfect *consensus* are not enough to make an act of theft mortal, but that the amount taken must be of a certain extent. This is the real point at issue between us—whether it is so, or is not so, and, if it is so, whether it is right. In your letter of Sept. 9, I thought that you admitted that it was so, and that the scope of that letter was to defend it on the principle that the greater injury done, when much was taken, made the sin to be greater, and so mortal. Now I cannot understand whether or no you do admit it, but it appears to me that we have gone back from the question, Is it right? to, Is it the case?

2. I maintain—but the proposition may be kept apart from what has just gone before—that when the thing stolen is of a certain value, then that that quantity constitutes *materia gravis*.

3. I maintain that your explanation of *materia gravis* is incompatible with S. Alfonso's use of the word.

I would add that I heartily agree with your final sentence—"It is obvious that Moral Theology does not pretend to mathematical scales of quantity, and that it judges of the malitia of acts *in the agent*, and by the frame of their minds, as it bears upon the whole subject-matter of the action." And it is for this very reason that I object to *gravitas materiæ* and scales of quantity.

I am sorry to say that I have not had an opportunity of getting Scavini conveyed to me from London. Vasquez and Filiutius I have looked at, and they seem to bear out my views. Thank you sincerely for your warning against speaking evil. I hope, however, that you will excuse me for saying that that appears to me to be beginning from the wrong end—that I must judge of persons by principles, not of principles by persons.

I am, my dear Sir,

Yours very sincerely,

F. MEYRICK.

LETTER XII.

Rev. H. E. MANNING to Rev. F. MEYRICK.

Rome, Feb. 4, 1854.

My dear Sir,

Many thanks for your letter of Dec. 26th. I should indeed be most happy to find that I have misunderstood your meaning, and need hardly say that, if I have done so, it has been unconsciously.

It will be well, therefore, to re-state what I supposed you to maintain.

1. In your first letter, dated July 15, last year, I find the following, as your view of S. Alphonsus' teaching, and as a re-statement of what you said in the conversation which gave rise to this correspondence.

"That a certain quantity of matter is required for a theft to be a mortal sin: that the quantity is relative to the state of the owner, from whom the theft is made: thus, that in the case of a beggar, a sufficient quantity is one real; of a labourer, two reals; of an artizan, three reals; of a nobleman, one scudo, &c. If this is so, might it not be the case that a theft of the same amount would be a mortal sin if the owner were a commoner, and a venial sin if the owner were a nobleman? And is not the guilt of the act made to *depend upon something external, not upon the frame of mind of the agent?*"

In that letter there is no mention of "advertentia," or "consensus," or "advertentia ad malitiam objecti."

There is nothing to imply that these conditions were to be understood.

The last words of the question are negative, and exclude the internal "frame of mind of the agent;" which, according to S. Alphonsus, is the proper seat of advertentia and consensus.

In my replies I pointed out these omissions.

In your letter, dated St. Bartholomew's Day, I find your meaning re-stated as follows:—

"What I wish to make out is, that even though 'advertentia ad malitiam objecti' did mean malicious intention, still that two men *in identically the same state of mind*, with the *same* advertentia and the *same* consent, would, according to S. Alphonsus's teaching, be guilty, the one of a venial, the other of a mortal sin, according as the quantity of the thing they had stolen (if it were a matter of theft) were more or less."

That is to say, advertentia and consensus being as a common

quantity in mortal and venial sin, the only difference is the quantity of the matter stolen.

And at the end of the same letter I find these words:—"Yet you say that the quantity of the theft is not made the criterion of the sin. Then what is? For this is the sole difference of the two cases."

Or, in other words, they differ in "something external," and not in "the frame of mind of the agent."

I have pointed out that, according to the teaching of S. Alphonsus, the case supposed is impossible.

1. Because the essential malitia of all sin is constituted by the internal state or frame of mind of the agent.

2. Because the greater or less degree of essential malitia, so constituted, determines the difference between mortal and venial sin.

3. Because "*plena advertentia*," and "*perfectus consensus*," terminating upon a more extensive malitia, *quoad materiale*, necessarily constitutes a more extensive malice, *quoad formale*, i. e. in the frame of mind of the agent.

For the man who, with full advertence and perfect consent, commits a more extensive violation of the laws of justice and charity, is, *ipso facto*, more malicious than the man who, with full advertence and perfect consent, commits a less extensive violation of those laws.

For instance. If a man, with full advertence and perfect consent, should steal a farthing from a rich man, will anyone say that his internal frame of mind is the same with that of the man who should steal "the two mites, which make a farthing," from the poor widow?

Or, the man who should steal a handful of meal from one who has abundance, is he in the same frame of mind with the man who should steal the same quantity from the woman of Sarepta, a widow, in poverty, in a time of famine, with a son depending on her for food?

Or, supposing that one man should steal a half-handful of meal only, and the other a half-handful and one of the "two sticks," would it be the stick, and not the internal cruelty of the agent, which would aggravate the formal malice of the act?

According to S. Alphonsus, the malitia is aggravated by the circumstance, not of persons only, but "*respectu personarum temporis et loci*," &c.; and the subjective malitia corresponds in degree with the objective.

If the gradations are morally (not mathematically) inappreciable objectively, they would be likewise inappreciable subjec-

tively. If the malitia be notably aggravated, it would be mortal; if not, it would not be mortal, and therefore venial.

In reply to your remarks on the statements of my last letter, I see no need of adding more than the following references.

1. For the true sense of "objectum" and "advertentia ad malitiam objecti," I refer to Scavini, Tract. i. c. iii. De actibus humanis. De moralitate. De Fontibus moralitatis, and de Fine Tourneley Continuatio, &c. De actibus humanis, c. vi. Art. 11.

2. For the meaning of quantitas as one of the seven circumstances which contribute to the gravity of the matter of moral acts, I refer to Scavini in the same place. De circumstantiis "Septem numerantur circumstantiæ," "Quis quibus," &c. "Quid designat quantitatem," &c. Tourneley in the same place, and Sporer, who treats the subject fully.—Tract i. c. iii. s. 4.

It is not necessary, however, to dwell on these points.

In my last letter, among other proofs of S. Alphonsus' meaning, I quoted the answer he gives to the question, "An actus externus addat aliquam bonitatem vel malitiam moralem actui interno?"

He says:—

"Dixi quod actus externus non addit bonitatem vel malitiam moralem intrinsecam et per se supra interiorem."

Therefore, in the teaching of S. Alphonsus, the act of theft is so wholly complete in the "advertentia" and "consensus," as they terminate in the mind of the agent upon the matter of the action, that the external act of perpetrating the theft adds no further essential malice.

Again. S. Alphonsus adds, "nam per accidens addit regulariter loquendo aliquam bonitatem vel malitiam accidentalem."

And he goes on to show in what this accidental malitia consists as follows:—

"Actus externus sæpe causa est et occasio ut actus internus fiat *pejor*."

(1.) Vel quia *multiplicantur actus interiores donec exequantur actus extrinseci*.

(2.) Vel quia actus *interior* habet majorem *durationem* quousque perficiat opus quod statim perfici non potest.

(3.) Vel quia fit *intensior* (i. e. actus interior) per extrinsecitatem actus.

From first to last, the accidental malitia consists in the *aggravation of the internal act*, that is, the frame of mind of the agent.

It is plain, therefore, that S. Alphonsus teaches as follows:—

1. That the whole formal malice of sin consists in the frame of mind of the agent.

2. That the mortality or veniality of sins consists in the greater or less degree of malice in the agent.

3. That the difference of quantity in theft affects the mortality or veniality of the sin only in so far as that difference of quantity is the subject matter of the internal act, that is, of the advertentia and consent of the agent.

Finally, he places at the head of his chapter on "*Quæ sit quantitas notabilis*," the text of Busenbaum, in which it is distinctly laid down, "*Ea non mathematicè sed moraliter meti-enda est.*"

Which proves at once that the quantity of theft, and the gradations of quantity, are not to be estimated arithmetically, but morally; and are to be regarded, not only as external to the mind of the agent, but as the object of the will, and of the internal act in which the whole essential malice of sin consists.

It appears to me, therefore, that the doctrine of S. Alphonsus is the direct contrary of the original statement which caused this correspondence.

I will now, as I promised, refer to the other points of your first letter.

The teaching of S. Alphonsus in respect to theft is as follows:

1. That to steal is, under all circumstances and conditions, a sin against the law of God.

2. That the only difference to be found among thefts is, (1.) that some deprive the soul of grace, which is the life of the soul, and incur the penalty of eternal death, for which cause they are called mortal; (2.) that others do not deprive the soul of grace, though they diminish it—offend God, and incur any extent and duration, it may be, of temporal punishment; but as they do not extinguish the spiritual life of the soul, they are, therefore, not mortal, and are called venial.

He does not admit the possibility of any theft which shall not be sin, either mortal or venial; for to steal is immutably a sin against God.

Whether, therefore, a rich man's son, in stealing three scudi, or the son of a prince, in stealing anything less than 50, or a monk, in stealing four scudi from his monastery, commit a venial or a mortal sin, every one is at liberty to judge, according to his conscience and his lights. Sin, either mortal or venial, according to S. Alphonsus, it must be. Whether mortal or venial, he leaves us, if we will, to judge.

Having treated of theft, S. Alphonsus goes on to say that there are cases in which to take that which belongs to another is not to steal, and, therefore, not to sin.

He founds this on the principle laid down, as he says, by all,

with S. Thomas, (quod docent omnes cum S. Thoma,) namely, that in case of extreme necessity, "*bona sunt communia*." He, therefore, affirms that the law of property introduced by political society ceases, in such cases, to exist. And more, that by the Law of God written in nature, the "*jus in re*" is transferred to the person who is in the necessity of which he speaks.

Six times in the Chapter, De Furto, H. A. c. ii. p. 1, he repeats this statement.

"In tali casu bona sunt communia."—s. 15.

"In extrema necessitate pauper habet *jus* in bona alterius."—s. 18.

"In casu extremæ necessitatis, in quâ bona fiunt communia."—Ibid.

"Fur habet idem *jus* in eam rem quam habet quilibet pauper."—s. 19.

"Pauper tunc jam habebat *jus*."—s. 20.

"Licet pauper habuisset *jus*, &c."—Ib.

He, and those he refers to, maintain that, in case of extreme necessity, a man has a right, "*ex justitiâ accipere rem alienam*."—(De Lugo de Jure et Justitiâ. Disp. xvi. 7. 143.)

The comment on the place of S. Thomas, referred to by S. Alphonsus, is, "*Abusiva locutio est quod liceat furari in extremâ necessitate et aliâ hujusmodi; sicut non recte diceretur quod judici licet committere homicidium*." Because, as the law, "*Thou shalt do no murder*," does not exist where the necessity of self-defence, or of capital punishment, arises, so with the law, "*Thou shalt not steal*."

S. Alphonsus uses, nevertheless the word, "*furari*" abusive, because no one, with the principles of the treatise before him, can misunderstand it.

To say, therefore, that S. Alphonsus teaches that it is lawful to steal in any case whatsoever, is contrary to his express words, "*fur habet *jus* in rem*."

To say that he is large in admitting instances of necessity, or to deny his first principles of justice, would be a fair warfare; but it would be a new question.

He is of opinion that the case of the nobleman is one of extreme necessity. Others are not. You and I are equally at liberty to admit it, or not.

But we are not at liberty to say that S. Alphonsus holds it to be *stealing*, and yet permits it. He permits it because he denies it to be a theft.

As to the case of the wife, S. Alphonsus does not teach that she may expend a twentieth of her husband's income without his will. He says, "*hæc summa merito judicatur excedens . . . saltem universaliter loquendo*."

The rights of a wife, presupposed by S. Alphonsus, are thus given by De Lugo, to whom he refers.

She has a right to take from the property of her husband sufficient for the expenses, alms, and presents, which are proportionate to her state in life. “*Nam hæc videntur includi in sustentatione debitâ uxoris ad quam vir ob matrimonium sese obligavit.*”—Disp. xvi. s. iv. 64.

The duty of giving alms is from the divine law, which, if the husband will not fulfil, the wife may. “*Quo (jure) maritus eam privare non potest.*”—S. Alph. Theol. Mor. L. iii. Tr. v. 4.

She is “*non mancipium sed socia:*” and “*licet sit sub viri potestate, est tamen socia et particeps dignitatis viri:*” she is “*particeps bonorum:*” the husband is “*Dominus,*” the wife, “*Domina.*” “*Unde licet, quoad administrationem, uxor sit subordinata viro, æquum tamen est ut ipse permittat suæ conjugii cum debitâ moderatione usum bonorum ad necessitates graves suorum sublevandas.*” “*Ratio est quia maritus possit etiam ex communibus bonis subvenire propriis parentibus aut filiis prioris matrimonii indigentibus, cur ergo uxor non poterit idem facere cum onera singulorum debeant esse communia?*”

The husband has a right to take of their common property to support the children of his former marriage. The wife has the same in equity.

The text of Busenbaum, given by S. Alphonsus, says that she is *bound*, by the *law of nature*, to support them; and that her husband is also *bound* to consent to her doing so.

S. Alphonsus adds that she is bound to compensate the children of this second marriage.—H. A. x. 11. 33.

Thus far she acts with a liberty founded in right. If she exceed that right, she would then fall under the law, and commit a theft, mortal or venial, as the case may be.

Lastly, as to servants:—

S. Alphonsus affirms that if a servant, forced by necessity, is hired at a price unjustly small, he commits neither mortal nor venial sin, if being otherwise unable to obtain justice, he takes of his master's goods the minimum of what is due to him for his service. His master is his debtor, and the price of his labour is his own.

The civil law might punish the act as a theft, but in the sight of God it might be free from the malitia peccati; and that on the double ground of necessity and justice.

But whatsoever judgment any one may form of these examples, one thing is beyond controversy, namely, that S. Alphonsus teaches that all thefts are sins, and that the cases in question are lawful solely on the principle *that they are not thefts*, because the law, in such cases, does not exist.

The teaching of S. Alphonsus on the subject of falsehood and equivocation, is as follows:—

1. That falsehood is always and essentially a sin, and therefore unlawful.

2. That when interrogated by those who have a right to interrogate, and in a lawful way, men are bound to communicate all their knowledge on the matter of the interrogation.

3. That when interrogated by those who have no right to interrogate, or in an unlawful way, men are not bound to communicate all their knowledge on the matter of the interrogation. No man is bound to make known to every one who may ask it, the matter of his confessions, or to reveal the sins or dishonour of his parents, friends, &c.

4. That, in case of such interrogations, he has a right to set aside the interrogation by any lawful means.

5. That to do so by falsehood, is absolutely unlawful.

6. That to do so by an answer with *mental* restriction, is equivalent to falsehood, because the matter spoken is false; this he calls “*restrictio pure mentalis*,” which is condemned by the Church, under Innocent XI.—(Viva Propos. *Damnatae*. Prop. xxvii. Inn. XI.)

7. That to do so by an answer, of which the matter is true, but the sense ambiguous, is not falsehood, and is, therefore, lawful.

This he calls “*amphibology*,” or “*equivocation*,” or “*restrictio non pure mentalis*.”

The instances he gives are, in his judgment, lawful, because they are not falsehood.

We are at liberty to judge otherwise; but we are not at liberty to say that S. Alphonsus allows the use of falsehood.

It is because he denies this example to be falsehood, that he admits the use of them to be lawful. We may reject all his examples, but we may not say that he teaches the lawfulness of speaking falsely. If he thought them false, the first principle in his Treatise would condemn them as unlawful.

I find the same teaching in such Protestants and Jurists as treat the subject with sincerity, and more than I know how to defend.

Having no access to English books, I can only speak from memory, and from MS. notes.

But I believe that Baxter and Paley would bear out the above propositions. Grotius, Barbeyrac, and other writers on morals and law, are equally explicit.

Jeremy Taylor's testimony is of more weight, because of his captious and petulant tone against the Catholic Church. In his

Ductor Dubitantium, he says: Heber's edition, vol. xiii. p. 350, &c. &c.:—

"It is *lawful* to tell a lie to children, or to madmen, because they, having no power of judging, have no right to truth;" provided "the lie be *charitable* and *useful*." The same of physicians, but not to every patient; for if the man be wise, and can choose what he hath a mind to, "*therefore* to cozen him, is to injure him; and no man must commit a *sin* to do a good turn to a man *against his will*."—pp. 353-4.

"It is *lawful* to tell a lie to our neighbour by consent, provided *the end be innocent or pious*."—p. 355.

"To tell a lie for charity, to save a man's life, the life of a friend, of a husband, of a prince, of a useful and public person, hath not only been done in all times, but commanded by great, and wise, and good men."—p. 355.

"Not that every false proposition, spoken knowingly, is a sin; but if it be spoken to deceive, and not to profit, it is spoken to the injury of him that hears, and is a *sin because it is unjust*, and, therefore, not to be done for any good."—p. 359.

"But the case is not so clear in the matter of difference when it happens between a great charity and an unconcerning truth. For who would not save his father's life, or the life of his king, or of a good bishop, and a guide of souls, at the charge of a harmless lie, from the rage of persecutors and tyrants?"—p. 360.

It may be well to state, in passing, that the Catholic Church does not allow the lawfulness of such an act, even to save our life. Innocent III. says, "*Ne pro vitâ quidem defendendâ nobis licitum est mentiri*."

"When the things are true," Taylor adds, "in several senses, the not explicating in what sense I mean the words, is not criminal reservation."—p. 378.

"It is lawful, upon a just cause of great charity or necessity, to use in our answers and intercourses, words of divers significations, though it does deceive him that asks."—p. 379.

"Now, in these cases, where there is *no obligation to tell the truth*, any man may use the covers of truth, especially when, in this case, it is not a lie; for an equivocation is like a dark lantern; if I have just reason to hold the dark side to you, you are to look to it, not I. . . ."

"Now that part of the ambiguity which *I intend* in it is *true*."

"If it be fit that he be deceived, though I have no right to do it, *let him deceive himself*. It must be by his own act, to which *I may indeed minister occasionally*, by any fair and innocent means."—pp. 379-80.

"An equivocal speech hath a light side as well as a dark; it is true as well as false, and, therefore, it is, in its own nature,

innocent; and it is only changed into a fault when it is against justice and charity, under which simplicity is to be placed."—p. 380.

I have the good fortune to find a private hand to convey this to England, so that I need not inflict it on you by post.

Believe me, my dear Sir,
Yours very faithfully,
H. E. MANNING.

LETTER XIII.

Rev. F. MEYRICK to Rev. H. E. MANNING.

Trinity College, Oxford, May 12, 1854.

My dear Sir,

As I have heard that you are now returned to England, I send you a reply to the letter which you were kind enough to write to me from Rome, or rather, to a part of it, as the whole letter embraces too many things to answer in one letter. I do not at all wonder, with the number of occupations which you must have, and the length of time which has necessarily passed since the commencement of our correspondence, that you have come to think that the proposition which I supported was, that quantity was made by S. Alfonso, in all cases, to constitute the sole difference between mortal and venial sin. Perhaps you will allow me to recal to your memory some of the passages in my letters which show how entirely foreign to my whole purpose it has been to maintain anything so palpably incorrect.

In my letter of Aug. 24, 1853, I wrote, "I find, distinctly stated in Liguori, that there are *three* things necessary for mortal sin, sc., *advertentia*, *consensus*, *gravitas* Quorum si unum desit, the thing does not exist Ob aliquem horum defectum mortale fieri potest veniale." In the same letter I have corrected (as I supposed finally,) this misapprehension thus: "You say that he has not 'given his sliding scale of ducats and scudi to make the quantity of the theft the sole criterion of the sinfulness of the agent.'" No; but that does not seem to me to meet the point. He does teach that a certain frame of mind, *advertentia* and *consensus*, the one *plena*, the other *perfectus*, are necessary for mortal sin. That I perfectly allow. But he adds that these are not enough, that the sin is not yet mortal without a certain *quantitas*. Consequently, the

mortality or veniality of the sin does depend upon the 6d. more or less,—*plena advertentia*, *perfectus consensus*, and 2s. 6d. being a mortal sin; *plena advertentia*, *perfectus consensus*, and 2s. being venial. You give two reasons, whereby, you say, that it is disproved that S. Alfonso makes the quantity the measure of the sin, or, as I would correct it, *in part* the measure of the sin.”

On Sept. 8 you quote almost all this passage.

My letter of Sept. 15, ended thus :

“Quantity is made the criterion between greater and less sins, even to the extent of making it (*advertence and consent presupposed*,) the distinction between a mortal and a venial sin.”

This is the same phrase as you use in your letter of Sept. 9. “In proportion as the injury inflicted is greater, (*advertentia and consensus always presupposed*,)” &c.

On Sept. 24, I wrote, “What you undertook to disprove, viz. that (*advertence and consent presupposed*,) the quantity of what is stolen, is made the criterion of a sin of theft being mortal or venial, so that, *in a given case*, it would depend on the 6d. more or less.”

These passages will be enough to show that I have never ignored *advertentia plena*, and *consensus perfectus*, and have never declared Liguori’s theory to be, that quantity alone makes the difference between mortal and venial sin. I am surprised that you should think the passages which you have extracted from my letter to be in any way confirmatory of such a view. They appear to me to point exactly the other way. The first passage which you quote is this: “If this be so, *might* it not be the case that a theft of the same amount would be a mortal sin if the owner were a commoner, and a venial sin if the owner were a nobleman? and is not the guilt of the act made to depend upon something external, not upon the frame of mind of the agent?”

There is “no mention of *advertentia* and *consensus*,” not on account of an “omission,” but because I have never quarrelled with those two conditions, but only with the third, *gravitas materiæ*. The sentence might have been written more cautiously, but the use of the word “*might*” in the place of *would*, necessarily implies the existence of other conditions, which yet I affirm to be not sufficient without that to which I am objecting, viz. the relative quantity stolen. *Might* it not? (I asked.) Yes, it might, viz. when a man has *plena advertentia* and *perfectus consensus*, and with these two qualifications steals the specified quantity from the commoner, or from the nobleman, and thus “the guilt of the act,” i. e. of the particular act under discussion, “is made to depend upon something external, not upon the frame of mind of the agent.”

An illustration will show my meaning clearly. If a scholarship were to be given to a boy, provided he was possessed of three qualifications, intellectual attainments, moral character, and poverty—it *might* be the case that a boy with the two first qualifications would have to be rejected for want of the third, and then his want of success would be caused by his not being poor enough; so I affirmed that a case might occur, according to Liguori's teaching, in which an act would be performed having two of the conditions of mortal sin, but deficient in the third, and therefore not mortal sin, because the agent had not stolen enough.

So in the other two passages which you have quoted, "two men in identically the same state of mind, with the same *advertentia* and the same *consensus*, (i. e. both of them with *advertentia plena* and *consensus perfectus*)," "would, according to S. Alphonsus, be guilty, the one of a venial, the other of a mortal sin, according as the quantity of the thing they had stolen was more or less," because, though two conditions were fulfilled, yet the third would, in the latter of the two cases, be wanting.

The other passage you quote is this: "Yet you say that the quantity of the theft is not made the criterion of the sin; then what is? For this is the sole difference *in the two cases*." What two cases? The case of a man stealing 5s. *with full advertence and perfect consent*, from a nobleman, and a man stealing 5s. 6d. *with full advertence and perfect consent*, from a nobleman.

And these passages are taken from the letter which contains the passage, which on Sept. 8, you transcribed, saying that I perfectly allowed that he taught that a certain frame of mind, viz. full advertence and perfect consent, were necessary for mortal sin, but that, according to him, they were not enough, the sin being yet not mortal without a certain *quantitas*. Indeed, had I held the view which you attribute to me, the correspondence must have ended in one letter.

I now return to the question whether it is right that *gravitas materiæ* should be one of the three conditions without which a sin is not mortal, and whether it is right that a certain *quantitas furti* should be a condition without which a sin of theft is not mortal.

I see that the greater part of your letter which refers to theft still goes on the assumption that *gravitas materiæ* is identical with *malitia materialis* or *objectiva*. This I attempted to dispute in my last letter, and I see that you do not disprove my arguments. The words "*accipiendi gravem materiam*," alone seem to me sufficient to show that *gravitas materiæ* does not mean a "moral quality" or badness regarded objectively.

Your three instances of stealing a farthing from a rich man

and from the poor widow, of stealing a handful of meal from one who has abundance and from the woman of Sarepta, and of stealing a half-handful, and a half-handful together with one of the two sticks—all go on the same principle as the instance which you before brought forward of Nathan's Parable, and I would answer them in the same way. It is true that in each instance the one man would be in a worse frame of mind than the other. The act of the one would imply cruelty, violation of charity, hard-heartedness, and a host of other sins, which the act of the other would not,—at least in the same degree. If, therefore, it is a question which of the two men is the worst man, there is no doubt of the answer; but because B is a worse man than A, it does not follow that A has not committed a perfect act of *theft* or plunder,—and this I maintain that he has done, if he has taken possession of anything, however small, knowing that God's law forbade him, and yet wilfully choosing to do so. The sinfulness of the act of theft is perfect without consideration of the damage done; the consideration of the damage done adds to the sin of theft the sin of cruelty.

As by going on to the other questions, you seem to intend that this point should now, as soon as possible, be brought to a close, perhaps the best plan of coming to an agreement, or seeing where the point of difference lies, will be to begin at the other end of the argument synthetically, as we have been hitherto following the analytical method.

1. The first proposition, on which I believe we should agree, would be, that for an act to be sin at all, it must be voluntary, free, and that its wickedness must be recognized, (Theol. Mor. Q. 1, 2.) and that if any one of these three conditions are wanting, the act is not sin to the agent.

2. That sins may be either mortal or venial. Here we might agree in word, but differ in meaning, as shown in letters of July 20th, and July 22nd.

3. That for a sin to be a mortal sin, the recognition of the intellect must be full and deliberate, the consent of the will perfect, and that the "*materia*" must be of a certain "*gravitas*." That this is S. Alfonso's teaching I believe we should agree; that it is right, so far as the two first conditions go, we are also agreed: the difficulty is about the last condition, "*gravitas materiae*."

4. To know whether the condition of *gravitas materiae* is right, we must know what it means.

5. I have throughout maintained that *gravitas materiae* is solely constituted by quantity or amount—amount of *what*, whether of time, or of money, or of anything else, depending upon the matter (in the philosophical sense) with which the act had to do.

6. You argued, in your letters of Sept. 8 and 9, that *gravitas materiæ* was the same as *gravitas peccati*. This you practically withdrew in your letter of Oct. 13th.

7. You then argued that *gravitas materiæ* was the same as *malitia materialis*, or *objectiva*, and on this assumption your last letter still goes.

8. On the *general* question, then, we seem to be brought to a standstill by being unable to agree on the meaning of the term *gravitas materiæ*. I have attempted to disprove in my last letter that *gravitas materiæ* does mean *malitia materialis*, having endeavoured to prove throughout, and especially in my letter of Sept. 15, by an appeal to S. Alphonso's use of the words, that gravity of matter was always constituted by amount.

9. With regard to the *particular* question of a mortal sin of theft, there is, in like manner, no difficulty as to the two first conditions, *advertentia plena*, and *perfectus consensus*; there remains the third, which I hold to be *gravitas materiæ*, constituted by a certain *quantitas furti*. As you deny that the gravity of matter does depend upon the quantity stolen, I suppose you consider that there are four conditions of a mortal sin of theft—*advertentia plena*, *consensus perfectus*, *gravitas materiæ*, and *quantitas furti*.

10. But whether *quantitas furti* does or does not constitute *gravitas materiæ*, there is no doubt that S. Alphonsus says that it is necessary that a certain quantity should be stolen for a sin of theft to be mortal, and the question—the question with which we began—is, whether this is right or wrong.

11. You have argued that it is right, if I mistake not, (*a*) because the quantity was a sign of the existence of the advertence (*β*) because the greater the damage done, the greater the sin committed. To which I have replied (*a*) that S. Alfonso nowhere represents quantity as being a sign of advertence or consent, but as an independent condition, (*β*) that though a sin of theft is aggravated by the damage done to the sufferer, yet that the sin is perfect as a *sin of theft*, if anything, however small, has been wilfully appropriated by a man, knowing that such appropriation was contrary to God's command.

12. On the *general* question, then, I must think that you have not proved that *gravitas materiæ* means either *gravitas peccati*, or *malitia materialis*, or disproved, by explaining S. Alfonso's use of the words in particular instances, that it is solely constituted by *quantitas*. [And I may add, that had you done so, you would at the same moment have proved that it need not have entered into the discussion at all, the object of the discussion being to justify *quantitas*.] On the *particular* question, I must think that you have not proved the propriety

of *quantitas*, your first argument for it being not in accordance with the teaching of S. Alfonso, and your second being based upon a false view of the Essence of the sin of Theft.

13. Had the propriety of quantity been proved, there would have remained three further points, (1.) whether this quantity should be absolute or relative, on which, I believe, we should not differ; (2.) whether scales of such relative quantity should be laid down; (3.) whether S. Alfonso's is a fair scale.

I have been unable to refer to the passages which you mention in Scavini, as I have not the book. (I called in Queen St. for it, but I had delayed so long, that it had been removed.) I have, however, examined Vasquez, Soto, Filiucci, Lugo, Layman, Bonacina, Lessius, and others, and I must say that my view is thereby confirmed. I began to take extracts, but I found the same quantitative principle running through them all, and, therefore, ceased.

I was struck by finding a consensus to the effect that "*acum sartori*," on which you have dwelt a good deal, is *not* a mortal sin "*ratione furti*," or, "*in specie furti*," but "*injustæ damnificationis vel alterius malitiæ et scandali*." Bonacina de Rest. 2. 8. 1. 7.

Lessius supplies the answer to your argument, founded on "*ea non mathematicè sed moraliter censenda est*." He thus explains its meaning:—"Resp. Non posse hanc quantitatem mathematicè statui sed moraliter. Itaque censebitur etiam peccare mortiferè qui saltem uno vel altero asse non abest ab hac quantitate. Quæ enim parum distant nihil distare videntur."—Less. de Just. 2. 12. 31. So that all that the text means is, that a slight margin of a penny or two must be allowed in the case of each sum fixed; and that different sums must be fixed relatively to the wealth of the sufferers, not one absolute sum, like 5*d.* which Navarrus fixed, or £20. as others fixed. Lessius, too, gives the principle of *materiæ gravitas*, showing that it is quite distinct from *advertentia*, &c. "A sin may be venial, either from want of deliberation, or *ex materiæ gravitate*. This is certain, and so far as the *materia* goes, it is clear, because in such a theft there is no notable damage done. With regard to want of deliberation," &c.—Ib.

And again, "For a theft to be mortal it is requisite ut *materiæ quantitas* nobilis sit. Patet, quia non cujusvis rei ablatio POTEST esse culpa mortifera, v.g. pomi vel oboli."—Ib.

Lugo's account of the whole matter is very clear. "It is certain that in this matter a sin may be allowed to be light, not only on account of defect of advertence, but also on account of levity of matter. The whole difficulty is in determining how much matter is enough for a mortal sin of theft . . . on which

point, first, it is certain, that the theft of a small thing (*rei levis*) is a sin at least venial. Yet a thing may be so small, that taking it is not a venial sin, nor a theft." Then he brings "*acum sartori*" under the head of *damnificatio*. He continues: "Though we can with certainty determine some *materia* to be small, v.g. an obol or a penny, and another matter to be certainly grave, v.g. £20. yet, between these two extremes, we cannot define what approaches to each of these two matters, *ita ut circa talem summam sit levis et ultra illam sit gravis*."—Lugo de Just. d. 16. n. 27, 28.

This difficult task S. Alfonso and others have undertaken in their scales of quantity.

Can you tell me when the condition of *quantitas* and *gravitas materiæ* was first introduced? So far as I have been able to see, they do not appear in the writings of S. Thomas Aquinas; but in such of his commentators as I have read, and their descendants, down to Liguori, the quantitative principle is clearly laid down and justified. I do not quite understand whether you deny its existence, or acknowledge and justify it.

To the other part of your letter I hope to reply at another time. I regret to hear that you have returned from Rome in not quite strong health.

Believe me, my dear Sir,
Yours very faithfully,
F. MEYRICK.

LETTER XIV.

Rev. H. E. MANNING to Rev. F. MEYRICK.

11, Half-Moon Street, May 29, 1854.

My dear Sir,

I was out of London, last week, when your letter came; and since I received it, I have been so continually occupied, that I have been obliged to delay thanking you for it until to-day.

If I have anywhere misunderstood your meaning, it has been unintentionally. My sole desire has been to find matter of agreement.

In these things, however, there is only One Source of perfect mutual understanding; and to Him I have not failed, as well as I can, to commend the correspondence which has passed between us.

Although all I had hoped has not been attained, yet I shall be always glad that these letters have passed between us.

Believe me, my dear Sir,

Yours, very faithfully,

HENRY E. MANNING.

LETTER XV.

REV. F. MEYRICK TO REV. H. E. MANNING.

Kinson, Wimborne, July 14, 1854.

My dear Sir,

The assertions which you have next to maintain, are the following:—"That a wife may support her previous children, (and other relatives, such as poor brothers and sisters,) out of her husband's goods, against his will, and spend something under the twentieth of his income on alms and gifts.—Hom. Ap. Tract x. 2. 33. That a nobleman in extreme distress may steal, if he is ashamed to beg.—x. 2. 15. That a servant may compensate himself for a salary remarkably too small.—vii. 3. 10. That a rich man's son may steal from his father three scudi, without grave sin. That a *principe's* son commits only a venial sin if he steal from his father anything under fifty scudi. That a monk is guilty only of a venial sin if he steal any sum less than four scudi from the monastery."

You appear to me to excuse this teaching on the following grounds:—

1. That in the three last cases—the rich man's son, the *principe's* son—the monk—the act is said to be sin, namely, venial sin.

2. That in the three first cases—the wife—the distressed nobleman—the servant—the act is not sin, because it is not theft.

3. That the reason why the wife's act is not theft, is, that she has a right, on grounds of justice, to what she takes.

4. That the reason why the distressed nobleman's act is not theft, is, that it is an act dictated by extreme necessity; and that where there is extreme necessity, all goods are common, and there is no place for stealing.

5. That the reason why the servant's act is not theft, is, that he has a right to what he takes, on grounds both of need and justice.

I believe that this a fair and concise representation of your views. I would answer as follows:—

1. It is true that S. Alfonso counts the act in the three cases of the rich man's son, the *principe's* son, and the monk, to be sin; but he goes out of his way to pick out these acts of theft, and declares them to be only venial sins. Now the difference in value between venial and mortal sins, is, of course, enormous; and if we wish to know what he thinks these acts worth, we must look to see what he counts to be mortal. Of course these acts are immeasurably less sinful than any laid down as mortal. To abstain from hearing Mass on Sundays, and certain Saints' Days, without good reason, is mortal. Consequently, it is a far less sin for a rich man's son to steal 12s. from his father, for a *principe's* son to steal £10 from his father, for a monk to steal 16s. from his monastery, than to abstain from hearing Mass on Sundays and holy days of obligation, without good reason—so much less, that in the three first cases, the sin need not be confessed—does not diminish God's love towards the agent—is punished only temporally,—while, in the last case, it extinguishes the life of the soul, and is punishable by eternal hell-fires. This appears to me to be exalting positive precept at the expense of morality.

2. Whether S. Alfonso *calls* the act of the wife, of the distressed nobleman, and of the servant, thefts or not, is, to me, of no moment. It is easy to frame definitions which shall exclude what ought to be included; and an argument from such definition is purely verbal, and, therefore, valueless. The question is, whether those acts *are* thefts, or not. If they are, S. Alfonso does sanction theft, however much he may deny them to be thefts. I may, however, observe that the words *furta filiorum*, *furta domesticorum*, &c. are used, without any notice of their being used *abusivè*; and “*surripere*” is the common verb employed, which, if it is not translated “pilfer,” must, at least, be expressed, not by “take,” but “take clandestinely.” Moreover, Liguori heads one of his divisions of chapters, 4, 5, 4, with a distinct assertion in so many words, that they are theft “*verè furtum*.”

3. Has the wife the right to support her poor brothers, &c. out of her husband's goods, against his will, and to spend under the twentieth of his income in alms and gifts? You say Yes, for two reasons. One because, according to Lugo, the wife is not a slave, but a companion, &c. from which he draws a very just conclusion, but as different from Liguori's doctrine as heaven from earth—that the husband ought to allow his wife the moderate use of their goods. That is very true; but it does not follow that she is to take them, if he does not do so. The other reason is, “that the duty of giving alms is from the Divine Law.” True; but out of one's own goods, I presume. Liguori

lays down what are the goods of a wife, namely, her “dotalia,” and her “paraphernalia,” but says that she may give alms and gifts out of the other goods as well; and justifies it, not by the command of the Divine Law, but by “consuetudo.”

4. The distressed nobleman's case is exactly the same as that of the Unjust Steward, supposing that the latter was a man of high birth. Si aliquem virum honoratum valde puderet mendicare vel laborare, an potest ex alienis sibi providere? Negant Salm. Affirmant vero Viva, &c. &c. Hocque mihi videtur probabilius. In other words, “I cannot dig, to beg I am ashamed,” therefore I will clandestinely take what does not belong to me.

And this, according to Liguori, is justifiable. He would lose his character if he begged, therefore he is *unable* so to relieve his wants, and is labouring under quasi-extreme need; but as soon as a man is labouring under quasi-extreme need, he is no longer subject to the laws respecting *meum* and *tuum*. This runs us up to the principle on which Socialism rests. I am not a Socialist, and although I might allow that a case might occur in which extreme need justified appropriation, yet to lay it down, as you say, “six times,” as a principle to guide action, that to appropriate goods not your own is allowable as soon as you are reduced to extreme necessity, or quasi-extreme, or very grave necessity, such as incurring danger of death, or risk of losing a limb, or of becoming a prisoner, or of being sent to the galleys, or of incurring a bad disease, or of losing your character, appears to me to strike at the root of social security, and of morality alike.

5. The case of the servants taking their masters' property to make up their wages to a sum higher than that which they bargained with their master to receive, is one which you pass over lightly. You say that they *might* be free from *malitia peccati*. This does not meet the case. According to Liguori they *are*; they are doing an act which cannot be blamed, on grounds of justice, right, and integrity. “The civil law,” in “punishing such an act as theft,” appears to me to show itself far superior to the Moral Theologians' law, which justifies it.

There is one other thing which I would note. You say, “He (Liguori) is of opinion that the case of the nobleman is one of extreme necessity. Others are not. You and I are equally at liberty to admit it, or not.” Is this perfectly correct? You and I are equally at liberty to admit it; but are we at liberty equally *not* to admit it, to condemn it as conflicting with plain principles of morality? If so, what mean the high-sounding sentences in the Preface to the *Theologia Moralis*? Nullam inesse opinionem contra fidem aut bonos mores, &c. &c. I

would fain *not* think so, for I have persuaded myself that the reason why Archdeacon Manning has maintained these, and other principles of morality, with their applications, has been, that he has been compelled to do so by his system—that he is not at liberty to do otherwise without giving up his present position; and as long as he does defend them, I would fain be allowed to think so still.

I remain, my dear Sir,
Sincerely yours,
FREDERICK MEYRICK.

LETTER XVI.

Rev. F. MEYRICK to Rev. H. E. MANNING.

Kinson, Wimborne, July 18, 1854.

My dear Sir,

What you have next undertaken is to defend the principle and practice of Equivocation, as laid down by Liguori. Accordingly, you have to maintain that, when asked a question which cannot but be answered in the affirmative, it is truthful to reply, "I say, No," intending the questioner to understand that you deny his question, but meaning, in your own mind, simply to affirm that you are making use of the word "No" in your conversation.—4. 2. 151. You have to justify the once well-known principle, Ἡ γλῶσσ' ὁμώμοχ ἥ δὲ φρὴν ἀνώμοτος, which is identical with that Liguori lays down, 4. 2. 171. where he says, that if a man has only sworn externally, he has not sworn, he has joked. You must hold that a man may insert a "not" into an affirmative sentence, in a whisper not heard so as to be understood by the other party, and that his oath is then truthful, while he means to swear *No*, and the other conceives that he is swearing *Yes*. You must hold that oaths, promises, vows, pledges, secrets, do not lose all security, through his teaching with regard to their sanctity and the means of releasing oneself from them. You must, I suppose, regard *Ex capite meo hoc erui*, &c. Hom. Ap. xi. 18. as truthful, and "*mentitus sum quia omne peccatum est mendacium*," as truthful.

The only arguments which you have brought forward are two. (1.) S. Alfonso denies that he allows the use of falsehood, and does allow the use equivocation, therefore equivocation is not falsehood. (2.) Jeremy Taylor has teaching of a similar nature.

The first of these arguments is the same as that which you used with regard to stealing. S. Alfonso excludes equivocation

by his definition of falsehood; and therefore, it is true that in his own estimation, and according to his own definition, in teaching the lawfulness of his equivocation, he does not teach that falsehood is lawful; but the question is, whether equivocation (and what equivocation is, we must gather from his own examples, such as those given above) is not, morally speaking, falsehood; and if it is, in teaching the lawfulness of equivocation, he does teach the lawfulness of falsehood. That equivocation is moral falsehood, is to me clear, because, on analyzing it, we find it to consist of a moral untruth, conveyed by means of a material truth, and that it is only a confusion existing in men's minds with respect to moral truthfulness and material truth, which could ever have led them to regard equivocation as morally truthful. Indeed, I cannot doubt that equivocation, as interpreted by Liguori's examples, is merely a double lie; first, a lie to another, and then a deception passed on himself by the speaker, to the effect that he has not lied.

2. With regard to Jeremy Taylor, one great difference between him and Liguori on this point seems to be, that while the latter confines the name of lie to that one species of moral untruth which is conveyed by means of a material untruth, leaving men at liberty with respect to the other species, Taylor, on the other hand, applies the name of lie to every deception passed upon our neighbour; but in the case of children, madmen, persons incompetent to judge for their own good, persons willing, persons justly presumed to be willing, he holds that they may be deceived to their good. To them, therefore, if spoken for their good, he allows what *he* calls a lie. And, in some other exceptional cases, he thinks that charity may override the duty of veracity. Verbally, therefore, and technically, Taylor allows a lie in some cases, and Liguori does not; but, nevertheless, Taylor is far the stricter of the two, because his word "lie," and Liguori's word "lie," mean quite different things, Liguori's "lie" being a narrow species contained under the broad genus of Taylor's "lie."

The following passage, with which he concludes the subject, seems to express Bishop Taylor's mind. "He that does speak, and is bound to speak, must speak according to the mind of him with whom he does converse, that by our fault he be not deceived against his right, against justice, against charity."

But I am not careful to enter at length into a defence of Bishop Taylor. I prefer Bishop Sanderson's teaching on this point, as I think that Taylor has given somewhat too great a liberty to men to conceive that other virtues, such as justice and charity, may interfere (as they sometimes do) with the duty of veracity; and I think it is a pity that he has used the word

“lie” in any sense except a bad sense. But I am not bound to maintain his views. Taylor does not stand to me as S. Alfonso stands to you. The latter’s system has, as you are doubtless aware, been discussed twenty times by the Sacred Congregation of Rites, and approved, “voce concordi, unanimi consensu, unâ voce, unâ mente.” It has been declared that it contains nothing to be censured, which is explained to mean “that his whole teaching is altogether free from all error, which the Church now sees to be error; that we are quite certain, from the infallible teaching of the Catholic Church, that in S. Alfonso’s works, in the whole of his Moral Theology, not one principle is disapproved of; that there is not in it any opinion contrary to faith or good morals, new, opposed to the sense of the Church, heretical, erroneous, approaching to error, savouring of heresy or error, suspected of error, rash, scandalous, offensive to pious ears, ill-sounding, such as to lead the simple astray, schismatical, harmful, impious, blasphemous.” So that, in the words of the Preface to his Life, edited by the Fathers of the Oratory, and approved and recommended by Cardinal Wiseman, “the morals of this saintly Bishop cannot be censured, without setting up as a censor of authority itself; without, in fine, censuring the decision of the Holy See.” It cannot be denied that Liguori’s book is the authoritative exponent of Rome’s moral teaching.

There are two of the original points of discussion which I see you have not touched. I should be glad to know whether or no you do approve of the four answers put into the mouth of the adulterous wife: (1.) that she had not broken marriage; (2.) that she was innocent of the crime; (meaning that she had confessed it;) (3.) that she had not committed adultery; (meaning that she had not committed idolatry;) (4.) that she had not committed adultery; (meaning so as to have to tell her husband)?

I should like also to know whether or no you do think that a man who has seduced a maiden on promise of marrying her, is *not* bound to keep his promise, (whether the victim did, or did not know of any disparity between them,) because he is of considerably higher birth, or because he is considerably richer. And whether, on this point, you would yourself, in the confessional, hold, with the Cardinal Archbishop of Besançon, “that the judgment of Rome should be fully adhered to, and that the opinion of the blessed Alfonso de’ Liguori should be followed, and reduced to practice, all doubt whatever being thrown aside.”

I am, dear Sir,
Yours faithfully,
F. MEYRICK.

LETTER XVII.

Rev. F. MEYRICK to Rev. H. E. MANNING.

My dear Sir,

In my two last letters I believe that I did not acknowledge and thank you for your note of May 29. Allow me to thank you for the kindly tone pervading it and the rest of your letters, and at the same time to inquire whether you intend to make any further answer to my remarks of May 12, July 14, and July 18, or whether you propose that our correspondence on these points should now close.

I am, my dear Sir,

Yours very faithfully,

F. MEYRICK.

Kinson, Wimborne, Aug. 16, 1854.

LETTER XVIII.

Rev. H. E. MANNING to Rev. F. MEYRICK.

78, South Audley Street, Aug. 18, 1854.

My dear Sir,

I did not write again to acknowledge your two last letters, because I understood them to be the conclusion of one which preceded them, in which you said that you would send some further remarks. My note was intended as an expression of my thanks for all your letters. You will believe me that I should regret to seem wanting towards you in this.

It seemed to me that our correspondence had reached its natural end, for we could do no more than re-affirm our opposite views, and out of this no good could come. Indeed, most correspondences end in a wider difference, which, at least, I hope has not been the case with ours.

If we cannot approach more nearly in this, we can at least remember each other at other times, and in a better way: and I may assure you that, so far as I am able, I do not fail of my part in this. Once more, with my thanks,

Believe me, my dear Sir,

Yours very faithfully,

HENRY E. MANNING.

LETTER XIX.

Rev. F. MEYRICK to Rev. H. E. MANNING.

London, Sept. 14, 1854.

My dear Sir,

I return your copy of the *Homo Apostolicus*, with many thanks to you for allowing me to keep it so long. I hope that it has not received any damage since I have had it. Our correspondence has now terminated, and, I am afraid, has not wrought conviction on either side. With regard to gravity of matter, on which we have written most, I am still quite unable to reconcile either of the views which you have put forward. 1. That it is gravity of sin. 2. That it is objective and material *malitia* of the act, with the frequent expressions, "*sumere materiam gravem*," &c. and with the whole scope of the chapter in S. Alfonso. I am, therefore, left with the same opinion as that with which I began, owing to a belief that your hypotheses do not account for the facts of the case. Nor am I shaken by S. Alfonso having declared, as you have said, that the external act adds no essential *malitia* to the internal act, or words to that effect. (He does not speak very clearly in the *Homo Apostolicus*.) For it is of the nature of error to be discordant with itself. And that statement appears to be adopted from earlier writers, to whom gravity of matter was unknown.

I should have liked to have learnt whether you should individually feel yourself justified in condemning as immoral, some of the opinions of S. Alfonso, which I quoted in my last letters, and also to have inquired whence you draw your explanation of venial sin, which, on again referring to the *Homo Apostolicus*, and the *Theologia Moralis*, I see is considerably more stern than that of Liguori, who says that a man does not sin gravely though he determine to commit every possible venial sin; but I have already detained you a long time in the discussion of these matters, and I shall only now return you my sincere thanks for the kindness and courtesy which you have shown.

I am, dear Sir,

Yours very faithfully,
F. MEYRICK.

APPENDIX.

PAPER CIRCULATED IN A LONDON PARISH.

THE teaching of St. Alphonsus on the subject of falsehood is as follows:—

I. That to speak falsely, is immutably a sin against God. It may be permitted under no circumstances, not even to save life. Pope Innocent III. says, “Not even to defend our life, is it lawful to speak falsely.”

II. That when interrogated by those who have a right to interrogate, and in a lawful way, men are bound to communicate all their knowledge on the matter of the interrogation, e. g. in a Court of Justice—in the Sacrament of Penance, &c.

III. That when interrogated by those who have no right to interrogate, or in an unlawful way, men are not bound to communicate all their knowledge on the matter of the interrogation. A Judge cannot administer an oath out of his own court to compel evidence, nor a Confessor interrogate out of the sacrament, much less may others interrogate men as to the matter of their confessions, and as to the sins or dishonours of their parents, friends, &c.

IV. That in case of such interrogations, every man has a right to set them aside by lawful means.

V. That to do so by falsehood, is absolutely unlawful.

VI. That to do so by an answer with mental restriction, i. e. made silently, or in the mind only, is equivalent to falsehood, because the words spoken, as they are heard, are false. This is condemned by the Church, under Innocent XI. in full and absolute terms.

VII. That to do so by an answer, of which the matter is *true*, but the sense ambiguous, is not *falsehood*, and is, *therefore*, lawful. This is called amphibologia, equivocation, or restriction not purely mental, because the words spoken are absolutely true in the sense they hear.

Every instance given by St. Alphonsus is of this kind. He

allows the instances *because they are not falsehood*. If they were false, his first principle would condemn them.

They who accuse him, do it in one of these two ways.

I. Either they say, "*I call this falsehood, and St. Alphonsus allows it, therefore St. Alphonsus allows falsehood,*" which is nonsense; or, II. "*St. Alphonsus admits this to be falsehood, and yet allows it, therefore he allows falsehood,*" which is simply to break the ninth (Anglican) commandment. He allows it, because he maintains it to be *Truth*. Anybody may reject his instances if they will; they may think him *large* and lax, but they may not falsify his words. Let us now see what Anglicans have said. Jeremy Taylor, in his *Ductor Dubitantium*, which is full of irritability and unfairness against the Catholic Church, says:—

I. "It is lawful to tell a lie to children and madmen, . . . provided the lie be charitable."

II. "It is lawful to tell a lie to our neighbour by consent, provided the end be pious."

III. "To tell a lie for charity, to save a man's life, &c. hath been done and commended by great, and wise, and good men." (See above, Innocent III.)

IV. "When things are true in several senses, the not explicating in what sense I mean the words, is not criminal reservation."

V. "It is lawful, upon a just cause, . . . to use words of diverse significations, though it does deceive him that asks."

VI. "An equivocation is like a dark lantern—if I have just reason to hold the dark side to you, you are to look to it, not I. Now that part of the ambiguity which I intend it in is true," &c.

VII. "If it be fit that he be deceived, though I have no right to do it, let him deceive himself. It must be by his own act, to which I may indeed minister by any fair and innocent means."

VIII. "An equivocal speech hath a light side as well as a dark: it is true as well as false, and, therefore, it is in its own nature innocent; and it is only changed into a fault when it is against justice and charity, under which simplicity is to be placed."

There are abundant more expressions of the same kind from Protestant writers, who only differ from St. Alphonsus in going beyond him, and in allowing what the Catholic Church condemns.

Sincere writers on both sides teach the same *principles*, though they may differ as to particular examples.

REPLY, WRITTEN BY REQUEST OF THE CLERGYMAN OF THE
PARISH.

The *whole* of the argument in this paper goes upon the assumption that Equivocation and Mental Restriction are only allowed by St. Alphonsus to be used on the defensive, to put aside an unlawful question. This is a false assumption. "When there is good reason of necessity or expediency, a man may use Amphibologies in swearing, even though he offers to swear without being asked."—L. iv. 169. It is an aggressive weapon. However, it may be as well to examine and consider it as though the assumption in question were true.

I. There is ambiguity in the expression, "speak falsely." Does the writer mean, "speak a thing in itself false?" e.g. "the sun moves?" or, "speak so as to deceive your neighbour?" Does he mean, "speak a material falsehood," or "a moral falsehood?" It is the former (which may be harmless) that Liguori condemns: he allows the latter, (i.e. moral untruthfulness,) as is shown by many examples, some of which will be quoted below.

II. How far this is true may be gathered from the following passages of St. Alphonsus: (1.) "In a Court of Justice," &c. "A witness or defendant, when not legitimately questioned by the judge, may swear that he does not know a crime which he really does know, understanding to himself that he does not know a crime about which he can be legitimately questioned, or that he does not know it so as to give evidence about it When, however, the witness or defendant is legitimately questioned by the judge, he must not use any equivocation, because he is bound to obey the rightful precept of his superior Except in the case of a trial the crime be altogether concealed, for then a witness may, nay, he *is bound to say that the defendant has not committed it.*"—L. iv. 154. See *Theory of Truthfulness*, pp. 22, 23.

(2.) "In the Sacrament of Penance," &c.

"A penitent, questioned by his confessor, about a sin which he has confessed, may swear that he has not committed it, understanding aside, that he has not committed anything which has not been confessed."—L. iv. 157. *Theory of Truthfulness*, p. 19.

III. IV. These propositions are denied by no one.

V. Here, again, is an ambiguity in the word "falsehood." It is only a *material* falsehood which Liguori teaches to be unlawful.

VI. It is true that purely mental Restriction was condemned by Innocent XI. (who lived twenty years after Pascal's Provincial Letters had been published, and had tendencies himself towards Jansenism,) but Restriction not purely mental, is only formally, not morally, distinguishable from it, and that is still allowable. Pure Mental Restriction is that which takes place wholly in the mind, and is undiscernible by any outward sign; non-pure Mental Restriction is that which is discernible, although (it may be,) it is not discerned, e.g. "it is allowable to swear something false, adding in a low tone, a true circumstance, if the whisper can, by any means, be possibly perceived by the other, although its meaning is not caught, but not if it should, in every respect, remain concealed from him."—L. iv. 168. See *Theory of Truthfulness*, p. 19.

VII. It is not correct, therefore, to say that non-pure Mental Restriction is the same as Amphibology, or Equivocation. Liguori says, "We must distinguish between Amphibology or Equivocation, and Mental Restriction. Amphibology can be in three fashions Mental Restriction is of two kinds; one purely mental, which cannot be discerned in any manner by others, the other not purely mental, which can become known from circumstances connected with it."—L. iv. 151, 152.

When the writer says, that an answer, of which the matter is true, but the sense ambiguous, is not falsehood, he is clearly speaking of material falsity, not moral falsehood. The answer contains a material truth, but is a moral falsehood. When he says that Equivocation is not falsehood, "because the words spoken are absolutely true in the sense they hear," he is using words which appear to me to have no meaning. I do not know the meaning of "hearing the sense of words." If he means, "in the sense they *understand*," his statement is untrue; for the essence of an Equivocation, used for a serious purpose, is, that it should not be true in the sense the hearer understands, but only in the sense the speaker understands; e.g. "Is A. B. in London?" It is allowable if you have a good reason, says Liguori, to answer, 'No, I say,' although he is; because, though your hearer understands you to deny his presence in London, you understand the words differently, and mean to affirm that you are speaking the monosyllable *No*.—L. iv. 151. And what is the use of a thing being "absolutely true" if it is not true, and you know that it is not true, relatively to the person whom you address? "For sometimes," says Bishop Taylor, "a man may speak that which is truth, and yet be a liar at the same time in the same thing."

Those who accuse St. Alphonsus, do it in neither of the ways specified. They do not say, "*I* call this falsehood," or, "St.

Alphonsus calls this falsehood," but "*This is falsehood;*" and they *prove* that it is falsehood, by pointing out the true nature of moral untruthfulness, and showing that it includes under it what he calls Equivocation, Amphibology, and Mental Restriction. If, then, Liguori allows this Equivocation, he does allow moral falsehood, however much he may say that he does not. If a man were to deny that infanticide were murder, and then teach that infanticide were allowable, he would not the less teach that murder was allowable, because he chose to deny that infanticide was murder.

For the true character of Equivocation, as taught by St. Alphonsus, see *Theory of Truthfulness*, pp. 12 and 39.

"Anybody may reject his instances if they will." Every Romanist is bound to regard every principle and every opinion in Liguori's Moral Theology as entirely free from error, as not savouring of error, suspected of error, rash, scandalous, offensive to pious ears, ill-sounding, or misleading to the simple.—Præf. Mor. Theol. p. 12.

"They may not falsify his words." This is either intended to insinuate that some one has falsified his words, in which case the assertion ought to have been proved not insinuated, or is a truism gratuitously asserted.

It ought not to be asserted that "Jeremy Taylor's Ductor Dubitantium is full of irritability and unfairness against the Catholic Church," without proof being adduced.

Jeremy Taylor's principle is, that the use of Equivocation, or Mental Restriction, is only, then, permissible when downright lying is allowable. "In the same cases in which it is lawful to tell a lie, in the same cases it is lawful to use a Mental Reservation."—D. D. iii. 25. "Where it is lawful to lie, it is lawful to equivocate, which may be something less than a plain lie; but where it is not permitted to tell a lie, then the Equivocation must be innocent, that is, not deceiving, nor intended that it should."—D. D. iii. 34.

He does not, like Liguori, say that all Equivocation is permissible with good reason, and one of the two kinds of Mental Restriction. Where you may lie, there, and there only, with a few exceptions, (of which more hereafter,) you may equivocate, or use mental restriction. But may you ever lie? Taylor holds that occasions may arise in which other virtues, such as charity, may outweigh the duty of veracity. All men have a right to truth, but "this right may be taken away by a superior right intervening; or it may be lost, or it may be hindered, or it may cease upon a greater reason."—D. D. iii. 6.

This is the reason that he says, I. "It is lawful to tell a lie to children or to madmen, *because they, having no power of judg-*

ing, have no right to truth; but then the lie must be charitable and useful." In the case, therefore, of speaking to children and madmen, we find his first exception to the rule of truth-telling, because, he holds, they may be rightfully deceived. The others who may be treated in like manner, are, according to him, (1.) persons incompetent to judge for their own good; (2.) persons willing; or, (3.) persons justly presumed willing. He makes no other exceptions. To them, therefore, alone, he allows for certain, a falsehood to be spoken, while in the case of others, when "a great charity and unconcerning truth" clash, he speaks dubiously.

II. What Taylor means by this is shown, as in the case of Liguori, by his example. His example is, "Thus, in besieged places, they write letters of confidence and great ostentation of the strength which they have not, when their parties have covenanted that they should do so for their just advantages."

III. This is an assertion of an indisputable historical fact. The writer would have done better had he added that it is *not* Taylor's opinion. He says that "it may be better admitted" in case the charitable lie be told to the man whose life is saved; but if it be for the preservation of a third person, then, "though it be allowed by very many of the ancient Doctors of the Church, and by the wisest among the heathen, and hath in it a very great charity, yet *I cannot see sufficient cause to allow it.*" To which he afterwards adds: "But the case is not so clear in the matter of difference, when it happens between a great charity and an unconcerning truth." Then he leaves it to the individual conscience.

IV. It would have been better had the writer given the conditions and limitations which Taylor affixes to this statement; they are, 3. "(a) This liberty is not to be used by inferiors, but by superiors only; (β) *not by those that are interrogated*, but by them which speak voluntarily; (γ) not by them which speak of duty, but which speak of grace and kindness. Because superiors, and the voluntary speakers, and they which out of kindness speak, are tied to no laws in this particular, but the measures of their own good-will; and the degrees of their kindness, of their instruction, of their communication, are wholly arbitrary; but the inferiors, the examined, the speakers out of duty and obligation, are tied to answer by other men's measures, by their exigencies, demands, understandings, and purposes, and, therefore, must not do anything whereby that truth, which they have right and interest to inquire after, may be hindered. The conclusion is this in the words of S. Gregory: "The wisdom of just men is to make no pretence for deception, but by words to open the secrets of the heart."—D. D. iii. 32. This makes *his*

Mental Reservation *toto cælo* different from Liguori's. *It is not an instrument of deception.*

V. Taylor explains what he means by "just cause." His words are, "It is lawful upon a just cause of great charity or necessity," &c. When the principle of great charity or necessity supervene, then he holds that veracity may give way, so that, perhaps, we may say what is false; certainly, we may equivocate. In drawing this distinction between lying and equivocating, slight as it is, he falls, I think, into error.

VI. Here Taylor hazards an assertion somewhat inconsistent with his general principle, that in some respects Equivocation is better than a lie. As I have said, I think this an error, nor am I in any way bound to think with him. No English Churchman is bound to any opinion of Bishop Taylor. Every Romanist is bound to every opinion of Liguori.

VII. Again the limitations are omitted. They are, "that the Equivocation be not insolent, (i. e. unusual,) or strange, but such as is usual in form of witty speech. For then he who uses them does no more deceive his hearer" (*this is the test*) "than he that speaks obscurely or profoundly is the cause of error in the ignorant people," and also that it be "upon just cause."

VIII. This is a passage in which Taylor again appears led somewhat too far by his zeal for defending an eminent Confessor, who used an Equivocation, speaking mystically.

But the *principle* of Taylor is clear, the true and sound principle that we are guilty of untruthfulness when we deceive our neighbour—that we must not speak what is untrue, except in such cases where we have a right to deceive our neighbour, of which cases he enumerates five—that in these cases, whether we speak what is untrue by means of a Lie, of a Mental Restriction, or of an Equivocation, makes no difference. This is his *principle*, though, as I have shown, he is led, once or twice, to give rather too much liberty to Equivocation, of which he says, "There is between Lying and Equivocation this only difference, that this may, upon less necessity, and upon more causes, be permitted than Lying."

How can it be said, then, that "sincere writers on both sides teach the same *principles*?" Taylor is by no means a strict Anglican Moralist on this point. Sanderson is far stricter; but yet we see that Taylor's *principle* is, that the guilt of Lying, Equivocating, and employing Mental Restriction, is all one, viz. that we are wrongfully deceiving our neighbour. Whereas, Liguori's *principle* is, that we have a full right to deceive our neighbour, i. e. be guilty of moral untruthfulness, provided that we do not do it by the one means of a *material* untruth.

I do not altogether defend Taylor's teaching. It is a pity that

he has not confined the word lie to unjustifiable untruth. He has *not quite* held by his own principle of Mental Restriction and Equivocation being as bad as Lying, and he has used some expressions which may easily bear an ill interpretation. But he made a mighty stride to Truth, being one of the first writers on Morals who handled the subject differently from the Roman casuists, and cast away with scorn the puerile confusion between Moral Truthfulness and Material Truth, on which their system rests. "He that tells a lie, and by his Mental Restriction says he tells a truth, tells two lies, one practical, and the other in theory; one to the magistrate, and the other to himself."—D. D. iii. 28.

Oct. 1854.



